

Agenda

Environmental Protection Commission

April 21, 1997

10:00 AM

Newton City Council Chambers, 101 West 4th St., So., Newton

The Commission will tour Maytag Corp. following the meeting

Public Participation

10:30 A.M.

APPOINTMENTS:

Maple Grove Pork Producers (Item #15).....12:30 P.M.

Stickle Farms, Inc. (Item #16b).....1:00 P.M.

Agenda topics

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|-----|--|----------------------------|
| 1. | Approve Agenda | |
| 2. | Approve Meeting Minutes of March 17, 1997 | |
| 3. | Director's Report | Larry Wilson (Information) |
| 4. | Monthly Financial Status Report | Stan Kuhn (Information) |
| 5. | Landfill Alternatives Financial Assistance Program
Composting Initiatives Contracts | Teresa Hay (Decision) |
| 6. | Landfill Alternatives Financial Assistance Program
Preliminary Survey Report | Teresa Hay (Information) |
| 7. | Final Rule--Chapter 216, Regents Tire Derived Fuel
Program | Teresa Hay (Decision) |
| 8. | Final Rule--Chapter 217, Waste Tire Processor
Incentives Program | Teresa Hay (Decision) |
| 9. | Proposed Rule--Chapter 218, Waste Tire Stockpile
Abatement Program | Teresa Hay (Information) |
| 10. | Monthly Reports | Mike Murphy (Information) |
| 11. | Air Quality Program Status Update | Mike Murphy (Information) |
| 12. | OTAG Update | Pete Hamlin (Information) |
| 13. | Air Quality SIP Amendment for Muscatine | Mike Murphy (Decision) |

EPC Agenda - Page 2

14.	State Revolving Fund - Intended Use Plan, FY 97	Mike Murphy (Decision)
15.	Contested Case Appeal--Maple Grove Hog Producers, Inc	Mike Murphy (Decision)
16.	Referrals to the Attorney General a) Advanced Technologies Corporation (Cedar Falls) b) Stickle Farms, Inc. (Anamosa)	Mike Murphy (Decision)
17.	Legislation Update	Larry Wilson (Information)
18.	General Discussion	
19.	Address Items for Next Meeting	
Next Meeting Dates	May 19, 1997	
	June 16, 1997	
	July 21, 1997	

RECORD COPY EPC
File Name ADM-1-1-1 Meeting
Senders Initials JH April 1997

MINUTES
OF THE
ENVIRONMENTAL PROTECTION COMMISSION
MEETING

APRIL 21, 1997

CITY COUNCIL CHAMBERS
NEWTON, IOWA

TABLE OF CONTENTS

Call to Order.....	1
Members Present	1
Members Absent.....	1
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Adoption of Agenda.....	1
APPROVED AS PRESENTED.....	1
Approval of Minutes	1
APPROVED AS PRESENTED.....	1
Director's Report.....	1
Financial Status Report - YTD Division Expenditures	2
INFORMATIONAL ONLY	6
Landfill Alternatives Financial Assistance Program Composting Initiatives Contracts	6
APPROVED AS PRESENTED.....	9
Landfill Alternatives Financial Assistance Program Preliminary Survey Report.....	9
INFORMATIONAL ONLY	12
Public Participation.....	12
Final Rule--Chapter 216, Regents Tire Derived Fuel Program	12
APPROVED AS PRESENTED.....	17
Final Rule--Chapter 217, Waste Tire Processor Incentives Program.....	17
APPROVED AS PRESENTED.....	21
Proposed Rule--Chapter 218, Waste Tire Stockpile Abatement Program	21
INFORMATIONAL ONLY	23
Monthly Reports	23
INFORMATIONAL ONLY	37
Air Quality Program Status Update.....	37
INFORMATIONAL ONLY	38
OTAG Update	38
INFORMATIONAL ONLY	39
Air Quality SIP Amendment for Muscatine	39

APPROVED AS PRESENTED.....	40
State Revolving Fund Intended Use Plan - FY 1997	40
APPROVED AS PRESENTED.....	41
Legislation Update.....	41
INFORMATIONAL ONLY	41
Referrals to the Attorney General.....	41
Advanced Technologies Corporation.....	41
REFERRED (NOTE: THIS WAS TAKEN UP FOR RECONSIDERATION LATER IN THE MEETING)	42
Contested Case Appeal--Maple Grove Hog Producers, Inc.....	42
Appointment - Eldon McAfee	43
Appointment - Gilbert Gingrich	44
Appointment - Mark Newman.....	44
POSTPONED UNTIL MAY MEETING.....	45
Referrals to the Attorney General (Continued).....	45
Stickle Farms, Inc.	45
Appointment - Joe Harris	46
REFERRED	46
Advanced Technologies (Reconsidered).....	46
MOTION TO RECONSIDER APPROVED	47
Appointment - Mark Rollinger (Advanced Technologies referral).....	47
REFERRAL DEFERRED FOR 60 DAYS.....	49
General Discussion	49
Next Meeting Dates	49
Adjournment.....	49

MEETING MINUTES

CALL TO ORDER

The meeting of the Environmental Protection Commission was called to order by Chairperson King at 10:00 a.m. on Monday, April 21, 1997, in the City Council Chambers, Newton, Iowa.

MEMBERS PRESENT

William Ehm
Rozanne King, Chair
Dean McWilliams
Charlotte Mohr, Secretary
Kathryn Murphy
Gary Priebe, Vice-Chair
Terrance Townsend
Rita Venner

MEMBERS ABSENT

Verlon Britt

ADOPTION OF AGENDA

Motion was made by Gary Priebe to approve the agenda as presented. Seconded by Charlotte Mohr. Motion carried unanimously.

APPROVED AS PRESENTED

APPROVAL OF MINUTES

Motion was made by Dean McWilliams to approve the meeting minutes of March 17, 1997, as presented. Seconded by William Ehm. Motion carried unanimously.

APPROVED AS PRESENTED

DIRECTOR'S REPORT

Larry Wilson, Director, displayed a plaque of appreciation to Verlon Britt for his service to the Commission, and related that he will be sure Commissioner Britt receives it. He announced that Randal Giannetto has been appointed as the new EPC Commissioner and his term will begin

May 1. Mr. Wilson reminded the Commission that they annually elect officers in May and need to think about who they want to serve in those positions.

Director Wilson reported there was a release from a confinement operation in Wright County over the weekend that worked its way into an ag drainage well. He related that the extent and seriousness of the incident is still being evaluated. It was reported to be at a DeCoster site.

FINANCIAL STATUS REPORT - YTD DIVISION EXPENDITURES

Stan Kuhn, Division Administrator, Administrative Services Division, presented the following item.

Attached is the 3/31/97 YTD division-level expenditure status report..

Notes are appended to each division's status report regarding significant issues. Particularly in the Fish and Wildlife division and Parks division, variable cost expenditures, primarily seasonal help, supplies and equipment will need to be managed carefully by division management to remain within annual budget limits

DIRECTOR'S OFFICE/I&E BUREAU					
EXPENSE CATEGORY	Actual FY96	Budget FY97	YTD Budget 3./31/97	YTD Actual 3./31/97	Under (Over)
PERS SERV	977,916	1,179,858	849,498	749,647	99,851
PERS TRV IN	32,944	55,114	36,926	27,525	9,401
STATE VEHICL	3,897	7,791	5,843	3,871	1,972
VEHICLE LEASE	8,220	12,640	9,480	6,225	3,255
PERS TRV OUT	11,348	12,946	8,674	7,163	1,511
OFF SUPPLY	75,192	79,500	53,265	70,231	(16,966)
FAC MAINT SU	3,197	13,000	8,710	2,953	5,757
EQUIP MAINT	3,638	6,850	4,590	1,665	2,925
OTHER SUPPLY	73,889	104,950	70,317	77,069	(6,753)
PRINT & BIND	293,328	349,044	174,522	118,617	55,905
UNIFORMS	1,442	2,150	1,441	448	993
COMMUNICATIO	26,777	29,800	19,966	21,516	(1,550)
RENTALS	4,470	3,700	2,479	2,634	(155)
UTILITIES	229	750	503	148	355
PROF SERV	33,296	50,060	33,540	32,493	1,047
OUTSIDE SERV	73,860	46,619	31,235	45,248	(14,013)
ADVER PUB	0	5,000	3,350	0	3,350
DP-MAINFRAME	4,746	13,350	8,945	1,420	7,525
REIMBURSEMENT	796	525	352	1,375	(1,023)
EQUIPMENT	39,413	41,600	35,360	15,974	19,386
EQUIP NONINV	3,374	5,167	4,392	3,259	1,133
OTHER	551	2,650	1,776	922	854
LICENSES	0	0	0	30	(30)
	1,672,523	2,023,064	1,365,161	1,190,433	174,758

Note: Office Supplies is over budget in the Aquatic Education and Publications cost centers.

ADMINISTRATIVE SERVICES DIVISION

EXPENSE CATEGORY	Actual FY96	Budget FY97	YTD Budget 3./31/97	YTD Actual 3./31/97	Under (Over)
PERS SERV	3,579,613	3,864,278	2,782,280	2,656,317	125,963
PERS TRV IN	45,609	55,750	37,353	27,424	9,929
STATE VEHICL	56,635	56,000	42,000	50,290	(8,290)
VEHICLE LEASE	69,430	79,500	59,625	50,810	8,815
PERS TRV OUT	6,519	12,000	8,040	3,287	4,753
OFF SUPPLY	342,869	340,200	227,934	199,736	28,198
FAC MAINT SU	1,150	15,500	10,385	359	10,026
EQUIP MAINT	48,882	52,000	34,840	30,606	4,234
OTHER SUPPLY	8,190	10,400	6,968	2,446	4,522
PRINT & BIND	23,443	23,500	15,745	17,825	(2,080)
UNIFORMS	3,464	3,000	2,010	3,162	(1,152)
COMMUNICATIO	108,666	117,100	78,457	62,231	16,226
RENTALS	1,008	500	335	125	210
UTILITIES	0	0	0	128	(128)
PROF SERV	52,227	70,000	45,500	1,715	43,785
OUTSIDE SERV	81,237	64,500	43,215	86,528	(43,313)
ADVER PUB	528	500	335	145	190
DP-MAINFRAME	44,724	52,800	35,376	24,695	10,681
AUDITOR REIM	171,789	175,000	117,250	108,460	8,790
REIMBURSMENT	156,555	152,750	102,343	83,321	19,022
EQUIPMENT	207,600	175,100	148,835	140,220	8,615
EQUIP NONINV	11,726	6,000	5,100	12,275	(7,175)
OTHER EXP	7,750	63,732	42,700	7606	35,094
	5,029,614	5,390,110	3,846,626	3,569,711	276,915

Note: Vehicle Operations is over budget due to use of this account to pay unbudgeted federal gas tax. This overage will be reduced upon receipt of the related refunds. Outside Services is over due to the use of temporary help in several vacant positions and within Construction Services to assist with CCC project design. The temp help expenditures are being more than offset by a compensating surplus in the salary line item.

PARKS, PRESERVES AND RECREATION DIVISION

EXPENSE CATEGORY	Actual FY96	Budget FY97	YTD Budget 3./31/97	YTD Actual 3./31/97	Under (Over)
PERS SERV	4,503,676	4,692,353	3,378,494	3,393,887	(15,393)
SEASONAL WORKERS	1,361,773	1,330,264	811,461	847,890	(36,429)
PERS TRV IN	74,702	73,050	48,944	34,567	14,377
STATE VEHICL	193,493	201,300	150,975	187,008	(36,033)
VEHICLE LEASE	249,875	298,400	223,800	191,283	32,517
PERS TRV OUT	4,946	6,200	4,154	6,296	(2,142)
OFF SUPPLY	43,613	44,000	29,480	33,014	(3,534)
FAC MAINT SU	567,338	513,830	292,883	443,750	(150,867)
EQUIP MAINT	386,151	342,000	194,940	257,389	(62,449)
AG CONS SUPP	27,246	34,500	19,665	14,083	5,582
OTHER SUPPLY	45,807	40,600	23,142	23,162	(20)
PRINT & BIND	65,367	32,500	21,775	7,256	14,519
UNIFORMS	37,039	34,577	20,746	35,915	(15,169)
COMMUNICATIO	100,133	111,000	74,370	78,398	(4,028)
RENTALS	41,037	42,550	24,254	32,630	(8,377)
UTILITIES	473,985	454,000	258,780	354,285	(95,505)
PROF SERV	53,409	51,784	34,695	22,281	12,414
OUTSIDE SERV	227,655	206,500	117,705	141,425	(23,720)
ADVER PUB	1,963	1,050	704	1,018	(315)
DP-MAINFRAME	2,140	5,000	3,350	1,180	2,170
REIMBURSMENT	10,573	7,375	4,941	6,132	(1,191)
EQUIPMENT	226,828	248,536	211,256	261,963	(50,707)
EQUIP NONINV	16,399	800	680	20,761	(20,081)
OTHER EXP	432	700	469	269	200
LICENSES	1,145	697	467	1,080	(613)
	8,716,725	8,773,566	5,952,129	6,396,922	(444,793)

Note: Division expenditures continue to be over budget due to vehicle fuel costs and facility/equipment maintenance needs. This will have to be offset by decreased supply, maintenance and seasonal worker expenditures throughout the remainder of the fiscal year.

FORESTS AND FORESTRY DIVISION

EXPENSE CATEGORY	Actual FY96	Budget FY97	YTD Budget 3/31/97	YTD Actual 3/31/97	Under (Over)
PERS SERV	1,802,802	1,877,565	1,351,847	1,318,611	33,236
SEASONAL WORKERS	87,467	122,362	74,641	47,245	27,396
PERS TRV IN	41,920	41,200	27,604	29,750	(2,146)
STATE VEHICL	66,912	77,500	58,125	59,267	(1,142)
VEHICLE LEASE	118,585	136,500	102,375	86,230	16,145
PERS TRV OUT	5,167	11,500	7,705	4,723	2,982
OFF SUPPLY	28,570	19,000	12,730	12,255	475
FAC MAINT SU	38,187	35,500	23,785	30,753	(6,968)
EQUIP MAINT	55,993	55,500	37,185	38,337	(1,152)
AG CONS SUPP	78,354	74,000	49,580	56,541	(6,961)
OTHER SUPPLY	21,580	38,000	25,460	27,164	(1,704)
PRINT & BIND	13,751	21,500	14,405	16,375	(1,970)
UNIFORMS	11,716	13,000	8,710	10,232	(1,522)
COMMUNICATIO	48,783	48,500	32,495	30,515	1,980
RENTALS	39,879	43,000	28,810	22,033	6,777
UTILITIES	32,136	31,000	20,770	22,303	(1,533)
PROF SERV	14,291	1,500	1,005	0	1,005
OUTSIDE SERV	72,153	53,500	35,845	27,983	7,862
ADVER PUB	289	500	335	110	225
DP-MAINFRAME	1,248	1,500	1,005	688	317
REIMBURSEMENT	1,018	300	201	225	(24)
EQUIPMENT	39,392	66,285	56,342	79,355	(23,013)
EQUIP NONINV	1,192	9,574	8,138	2,890	5,248
OTHER EXP	42	0	0	71	(71)
	2,621,427	2,778,786	1,979,098	1,923,656	55,442

Note: Expenditures are over budget in several categories due to seasonal purchase of maintenance and supply items. Equipment is over budget, but, with possible minor exceptions, equipment purchases have been completed for the fiscal year.

ENERGY & GEOLOGICAL RESOURCES DIVISION

EXPENSE CATEGORY	Actual FY96	Budget FY97	YTD Budget 3/31/97	YTD Actual 3/31/97	Under (Over)
PERS SERV	2,327,252	2,659,970	1,915,178	1,772,281	142,897
PERS TRV IN	23,745	40,168	26,913	11,189	15,724
STATE VEHICL	12,539	15,000	11,250	13,176	(1,926)
VEHICLE LEASE	12,230	14,000	10,500	5,470	5,030
PERS TRV OUT	42,688	74,336	49,805	28,227	21,578
OFF SUPPLY	30,382	34,858	23,355	20,688	2,667
FAC MAINT SU	623	1,500	1,005	364	641
EQUIP MAINT	1,837	3,200	2,144	1,380	764
PROF SUPPLY	1,465	1,434	961	120	841
OTHER SUPPLY	27,174	54,953	36,819	24,563	12,256
PRINT & BIND	36,466	54,573	36,564	7,533	29,031
UNIFORMS	1,321	1,300	871	15	856
COMMUNICATIO	40,490	41,350	27,705	23,856	3,849
RENTALS	2,112	2,500	1,675	2,374	(699)
UTILITIES	20,858	19,000	12,730	11,814	916
PROF SERV	943,476	1,129,990	734,494	405,751	328,743
OUTSIDE SERV	79,584	258,909	173,469	84,369	89,100
ADVER PUB	933	2500	1,675	1,205	470
OUT REPAIRS	14	500	335	653	(318)
DP-MAINFRAME	5,661	7,886	5,284	2,633	2,651
REIMBURSEMENT	10,714	11,635	7,795	6,348	1,447
EQUIPMENT	160,016	148,767	126,452	81,527	44,925
EQUIP NONINV	11,516	21,854	18,576	10,451	8,125
OTHER	4843	5,762	3,861	4,515	(654)
	3,797,939	4,605,945	3,229,414	2,520,502	708,912

Note: Professional Services accounts for the majority of the budget surplus and results from lower than anticipated expenditures to date in several federally funded programs. Actual expenditures to date are significantly under budget in several support categories, but are similar to expenditure status at the same point last fiscal year.

ENVIRONMENTAL PROTECTION DIVISION

EXPENSE CATEGORY	Actual FY96	Budget FY97	YTD Budget 3./31/97	YTD Actual 3./31/97	Under (Over)
PERS SERV	8,780,016	10,642,911	7,662,896	6,906,937	755,959
PERS TRV IN	57,078	162,757	109,047	45,025	64,022
STATE VEHICL	39,981	58,550	43,913	42,103	1,810
VEHICLE LEASE	57,410	88,500	66,375	57,785	8,590
PERS TRV OUT	93,312	288,582	193,350	83,438	109,912
OFF SUPPLY	119,597	157,914	105,802	112,005	(6,203)
FAC MAINT SU	5,328	5,670	3,799	3,107	692
EQUIP MAINT	21,496	21,700	14,539	14,645	(106)
PROF SUPPLY	0	1,250	838	658	180
OTHER SUPPLY	14,901	39,684	26,588	23,760	2,828
PRINT & BIND	89,826	146,841	98,383	50,537	47,846
UNIFORMS	5,595	9,100	6,097	4,938	1,159
COMMUNICATIO	198,490	312,950	209,677	145,689	63,988
RENTALS	117,346	513,800	344,246	403,908	(59,662)
UTILITIES	23,352	24,400	16,348	18,435	(2,087)
PROF SERV	3,944,014	5,409,124	3,515,931	1,897,990	1,617,941
OUTSIDE SERV	79,547	171,400	114,838	122,830	(7,992)
ADVER PUB	8,310	11,626	7,789	6,476	1,313
DP-MAINFRAME	170,417	226,437	151,713	75,748	75,965
REIMBURSEMENT	57,442	64,500	43,215	50,286	(7,071)
EQUIPMENT	1,759,294	2,011,357	1,709,653	1,479,750	229,903
EQUIP NONINV	43,927	37,765	32,100	61,909	(29,809)
OTHER EXP	19,599	15,750	10,553	25,821	(15,269)
	15,706,278	20,422,568	14,487,690	11,633,780	2,853,910

Note: The apparent budget surplus is due primarily to vacancies and professional services. The division's vacancy factory, on an annualized basis is 11.4% with the Air Bureau's rate at 21.6%. The budget surplus in professional services relates primarily to the Air To-Date expenditure being at 33% of the budgeted \$2.7 million. The Water Quality Bureau's professional service expenditure to date is 48% of the budgeted \$1.9 million with most of that occurring in the 319 planning and federally funded flood studies.

FISH AND WILDLIFE DIVISION

EXPENSE CATEGORY	Actual FY96	Budget FY97	YTD Budget 3./31/97	YTD Actual 3./31/97	Under (Over)
PERS SERV	12,402,330	12,946,097	9,321,190	9,451,055	(129,865)
SEASONAL WORKERS	805,914	837,412	510,821	562,271	(51,450)
PERS TRV IN	350,926	363,240	243,371	242,573	798
STATE VEHICL	506,847	512,700	384,525	467,107	(82,582)
VEHICLE LEASE	707,360	757,696	568,272	517,020	51,252
PERS TRV OUT	37,513	51,400	34,438	38,803	(4,365)
OFF SUPPLY	266,399	254,818	170,728	187,310	(16,582)
FAC MAINT SU	336,977	453,707	303,984	232,973	71,011
EQUIP MAINT	480,781	353,036	236,534	337,766	(101,232)
PROF SUPPLY	0	10,000	6,700	0	6,700
AG CONS SUPP	319,951	393,858	263,885	154,881	109,004
OTHER SUPPLY	193,323	113,077	75,762	152,786	(77,024)
PRINT & BIND	338,250	313,989	210,373	265,131	(54,758)
UNIFORMS	136,027	132,125	79,275	117,689	(38,414)
COMMUNICATIO	296,015	301,600	202,072	224,666	(22,594)
RENTALS	59,319	65,160	43,657	35,309	8,348
UTILITIES	234,382	242,216	162,285	178,601	(16,316)
PROF SERV	361,161	385,666	250,683	236,889	13,794
OUTSIDE SERV	175,192	171,862	115,148	99,502	15,646
ADVER PUB	4,349	23,600	15,812	3,072	12,740
DP-MAINFRAME	86,521	64,000	42,880	76,272	(33,392)
REIMBURSEMENT	82,648	120,751	80,903	33,946	46,957
EQUIPMENT	696,546	765,135	650,365	413,130	237,235
EQUIP NONINV	76,387	102,875	87,444	59,995	27,449
OTHER EXP	40,817	44,353	29,717	40,071	(10,354)
LICENSES	217	300	201	0	201
	18,996,152	19,780,673	14,091,022	14,128,818	(37,796)

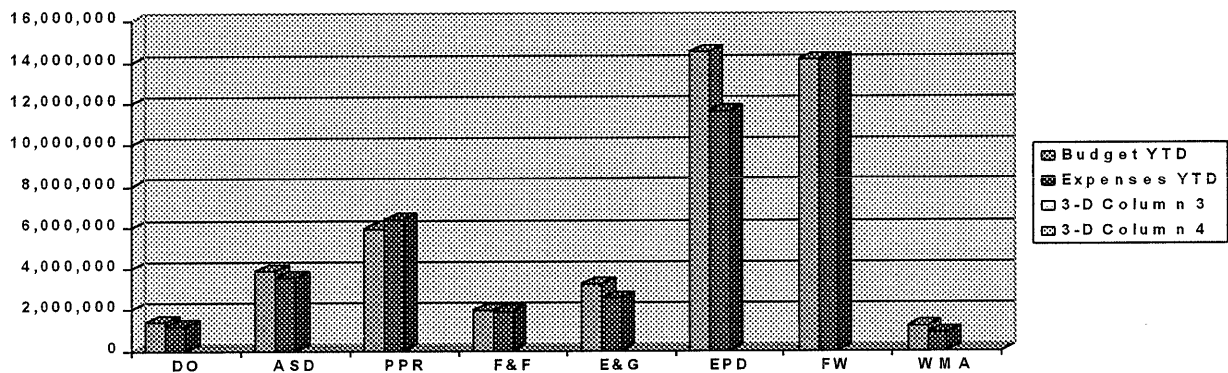
Note: Within the division, the Enforcement bureau is over budget and the Fisheries and Wildlife bureaus are under budget. On a weighted average basis, expenditures should be at 72%. Enforcement is at 75%, Fisheries is at 69% and Wildlife at 71%.

WASTE MANAGEMENT ASSISTANCE DIVISION

EXPENSE CATEGORY	Actual FY96	Budget FY97	YTD Budget 3./31/97	YTD Actual 3./31/97	Under (Over)
PERS SERV	772,841	897,571	646,251	597,214	49,037
PERS TRV IN	28,797	60,855	40,773	30,206	10,567
STATE VEHICL	0	0	0	48	(48)
PERS TRV OUT	20,579	37,505	25,128	12,933	12,195
OFF SUPPLY	13,475	60,172	40,315	25,712	14,603
EQUIP MAINT	1,192	915	613	641	(28)
OTHER SUPPLY	34,090	13,270	8,891	21,098	(12,207)
PRINT & BIND	43,742	109,393	73,293	48,776	24,517
UNIFORMS	28	0	0	0	0
COMMUNICATIO	15,567	20,000	13,400	9220	4,180
RENTALS	776	4,390	2,941	1161	1,780
PROF SERV	62,065	392,413	255,068	44137	210,931
OUTSIDE SERV	8,855	11,835	7,929	5425	2,504
ADVER PUB	8,101	12,475	8,358	5120	3,238
DP-MAINFRAME	2,737	3,900	2,613	1474	1,139
REIMBURSEMENT	33,075	59,870	40,113	43613	(3,500)
EQUIPMENT-LARGE	34,166	12,610	10,719	8,933	1,786
EQUIPMENT-SMALL	1136	4964	4,219	1883	2,336
OTHER	5,628	6,700	4,489	5992	(1,503)
	1,086,850	1,708,838	1,185,115	863,586	321,529

Note: The budget surplus results from expenditures for Professional Services being significantly under budget in the Planning Grants and Waste Reduction cost centers. Similarly, the categories of Printing and Office Supplies are significantly under budget in the Househouse Hazardous Waste cost center.

DNR Division Expenditure Status, Budget/Actual
March 31, 1997



Mr. Kuhn reviewed the financial reports for each division.

Discussion followed regarding parks with lodging or cabin facilities, and how the "carry out your own trash" program is working.

INFORMATIONAL ONLY

LANDFILL ALTERNATIVES FINANCIAL ASSISTANCE PROGRAM COMPOSTING INITIATIVES CONTRACTS

Teresa Hay, Division Administrator, Waste Management Assistance Division, presented the following item.

The Department received twelve (12) Composting Initiative applications for funding consideration the first Monday in February 1997. The Composting Initiative provides financial assistance to implement composting programs; to expand existing composting facilities including the types of materials accepted for composting; and to develop, improve and expand markets for finished compost. This initiative targets landfill diversion projects through the composting of organic materials other than or in addition to yard wastes, animal wastes, and/or biosolids (municipal sewage sludge), and compost market development projects.

Composting Initiative award recommendations from this inaugural round of funding have been finalized with the selection of four (4) applications to receive a total of \$750,000. The following provides a brief description of the selected projects.

Applicant:	Iowa State Men's Reformatory North High Street Anamosa, Iowa 52205	
Award:	\$86,376 -- Grant	Contact: Glen Hansel (319)462-3504 Ext. 295
Project Title:	Prison Compost Facility Construction and Operation	
Description:	<p>The applicant will establish a composting program and construct a composting facility that will serve the institution's 2,000 member community (approximately 1,550 inmates and 450 staff). It is anticipated that the project will initially divert over 1,000 tons of food waste, low grade paper soiled paper and wood waste from the landfill annually. Plans are to include brush, yard and garden waste generated on prison grounds once the project is operational. The applicant also anticipates accepting yard waste, brush and food waste from entities outside the prison in the future. Finished compost will be applied to 1,500 acres of farmland and garden owned and operated by the prison.</p> <p>In addition to the composting facility, the applicant will develop and share information about implementing a closed loop recycling system in an institutional setting through regular presentations and development of a guidance manual and workshop.</p> <p>Funding assistance is requested for facility construction, equipment, collection containers, initial compost testing and development of the guidance manual and workshop.</p>	

Applicant:	New Melleray Abbey 6500 Melleray Circle Peosta, Iowa 52068	
Award:	\$101,275 -- Grant	Contact: Joe Fitzgerald (319)588-2319
Project Title:	Composting Production and Use In Organic and Sustainable Farming	
Description:	<p>The applicant is proposing to construct and operate a composting facility serving Dubuque, Jackson and Delaware Counties. The applicant currently operates a certified organic farming operation. Finished compost will be applied on the applicant's cropland, used in horticultural and silviculture operations. In addition, up to 20 percent of the finished compost will be marketed to Iowa organic farmers.</p> <p>Through the project, the applicant will demonstrate organic, chemical-free and sustainable agricultural production and to promote compost market development. It is anticipated that the project will initially utilize 6,500 tons of organic materials. Intermediate and long term plans include adding another 6,500 tons of organics to the composting operation.</p>	

Financial assistance is requested for engineering and consulting services, equipment and lab analysis services.

Applicant:	Buena Vista County Solid Waste Commission 1247 630th Street Storm Lake, Iowa 50588	
Award:	\$109,296 -- Grant	Contact: Ellsworth Jeppeson - (712)732-7171
Project Title:	Composting Materials Expansion	
Description:	<p>The applicant is proposing to expand current composting operations by purchasing a shredder in order to begin accepting additional organic solid waste materials for composting. Materials are received from Buena Vista, Cherokee and Plymouth Counties and the City of Fonda in Pocahontas County. The facility will be able to accept such additional waste streams as seed and feed sacks, waste wood, yard waste, construction/demolition debris and waxed cardboard. It is anticipated that the project will increase landfill diversion by nearly 2,500 tons annually.</p> <p>Currently, finished compost is applied to land owned by the applicant, given to local residents and mixed with soil as daily cover at the landfill. Investigations will be conducted on alternative marketing opportunities of the finished compost once the project is operational and the finished compost tested.</p> <p>Funds are requested for the purchase of equipment.</p>	

Applicant:	Clinton County Area Solid Waste Agency 4292 220th Street PO Box 996 Clinton, Iowa 52732-0996	
Award:	\$453,053 -- Grant	Contact: Chuck Goddard (319)243-4749
Project Title:	MSW Rotary Digester Composting	
Description:	<p>The applicant is proposing to construct a \$3 million dual rotary digester municipal solid waste (MSW) composting facility. The facility will have capacity to compost 100 tons of materials per day. Municipal solid waste will be accepted and composted from Clinton, Cedar and Jackson Counties. Jones and Muscatine Counties have expressed interest in utilizing the composting facility and negotiations continue with Clinton County Area Solid Waste Agency prior to including these counties into the project's service area.</p> <p>Initially, compost exiting the system will be used as alternative daily landfill cover replacing the cost of purchasing and transporting cover dirt from off-site. Alternative uses of the compost will be investigated once the system is operational. Generators of other organic waste streams will be identified and suitability of introducing these materials into the facility determined.</p> <p>Funds are requested for building construction and equipment.</p>	

At this time, Composting Initiative contracts are presented to the Commission for approval.

(A copy of the Scope of Work for each project is on file in the department's Records Center)

Ms. Hay reviewed the individual contracts.

Discussion followed regarding various aspects of several of the applications. Also discussed was a roundtable held last year that focused on composting and what the state could do to help promote composting in the state.

Motion was made by William Ehm to approve the LAFA Program Composting Initiatives Contracts for Iowa State Men's Reformatory, New Melleray Abbey, Buena Vista County Solid Waste Commission, and Clinton Co. Area Solid Waste Agency, as presented. Seconded by Charlotte Mohr. Motion carried unanimously.

APPROVED AS PRESENTED

Dean McWilliams asked what can be done with asbestos to get rid of it.

Ms. Hay replied that it cannot go to the landfill without a Special Waste Authorization.

Mike Murphy stated that landfilling is the way to get rid of it, adding that it is required to go to a special place in the landfill and has to be covered up.

LANDFILL ALTERNATIVES FINANCIAL ASSISTANCE PROGRAM PELIMINARY SURVEY REPORT

Teresa Hay, Division Administrator, Waste Management Assistance Division, presented the following item.

In January 1997, the Waste Management Assistance Division distributed a survey to recipients of financial assistance through the Landfill Alternatives Financial Assistance Program and its predecessor, the Landfill Alternatives Grant Program. The purpose of the study is to:

- determine the impact and measure the benefits LAFA has had on solid waste management in the state;
- determine ways in which the LAFA Program can maximize the benefits to all sectors of the solid waste management community;
- assist in developing a program summary and annual report; and
- identify program and project areas where additional funding may be needed.

The final survey report is anticipated to be completed this summer. A copy of this report will be provided to the Commission for your information.

1997 Survey of the Landfill Alternatives Financial Assistance Program (LAFA) *Preliminary Report*

In January 1997, 176 recipients were surveyed concerning the LAFA Program. 116 respondents completed the survey, providing a 66% response rate. An in-depth analysis of the data is underway. Based on survey responses the following *preliminary report* is provided.

Tonnage recycled

Figure 1 indicates the increase in annual tonnage diverted from the landfills as a direct result of the LAFA awards. For example, comparing annual tonnage diversion for the year prior to receiving a LAFA award to 1996 tonnage diversion, a 400 percent increase was reported by survey respondents.

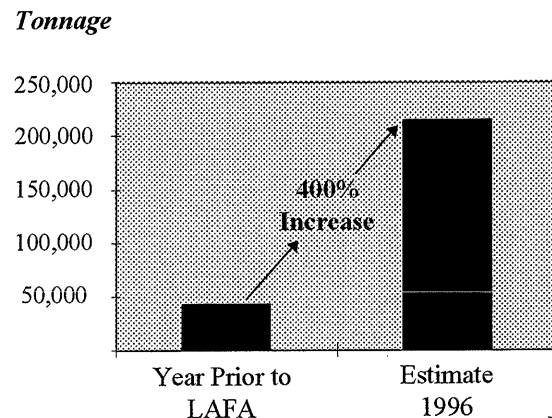


Figure 1

Figure 2 and Table 1 presents increases in landfill diversion by commodity type. For example, survey respondents reported that nearly 60,000 tons more plastic was recycled in 1996 than they recycled during the year prior to receiving a LAFA award, an increase of 184%.

% Increase

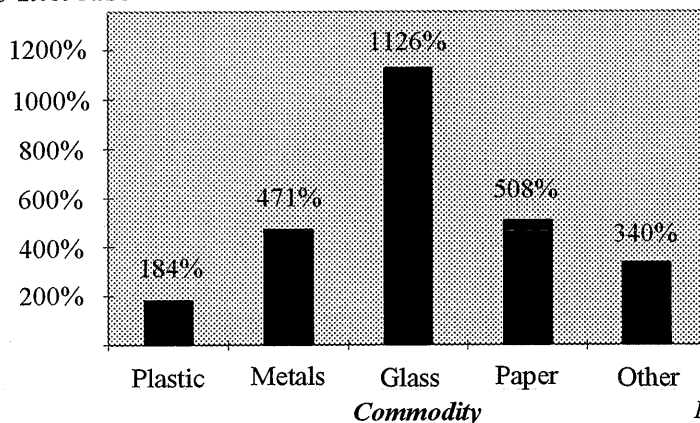


Figure 2

Table 1

Commodity	Tonnage Increase
Plastic	58,667
Metals	2,459
Glass	6,070
Paper	4,204
Other	90,203

“Other” includes such item as yard waste, tires, white goods, etc.

Dollars leveraged

For every dollar LAFA invested, a minimum of \$2.45 in both cash and in-kind service were committed by LAFA recipients. (Figure 3)

Dollars Leveraged

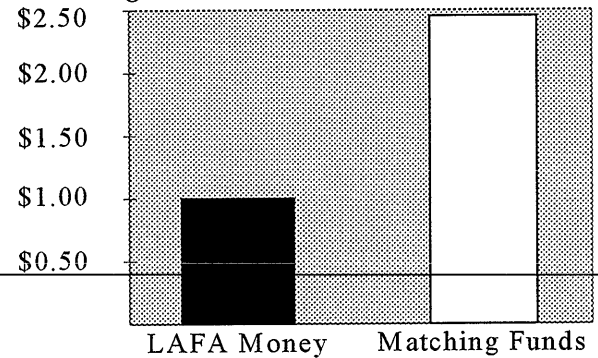


Figure 3

Employment

As a direct result of receiving financial assistance, 48 percent of survey respondents indicated that additional employees were hired. Full time employees were hired in 66 percent of the cases. (Figure 4)

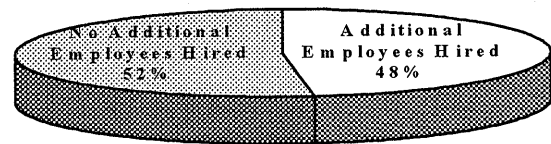


Figure 4

Little Program
Scale Impact
19%

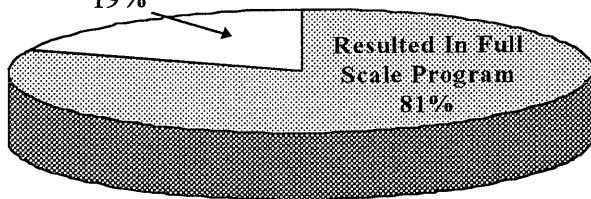


Figure 5

Local program growth

As a direct result of receiving financial assistance, 81 percent of LAFA funded projects resulted in full scale programs being established. (Figure 5)

Respondents indicated that they were able to expand recycling services to additional solid waste generators. For example, 21 percent of respondents were able to provide recycling services to additional businesses as a result of receiving a LAFA award. (Figure 6)

% of Respondents

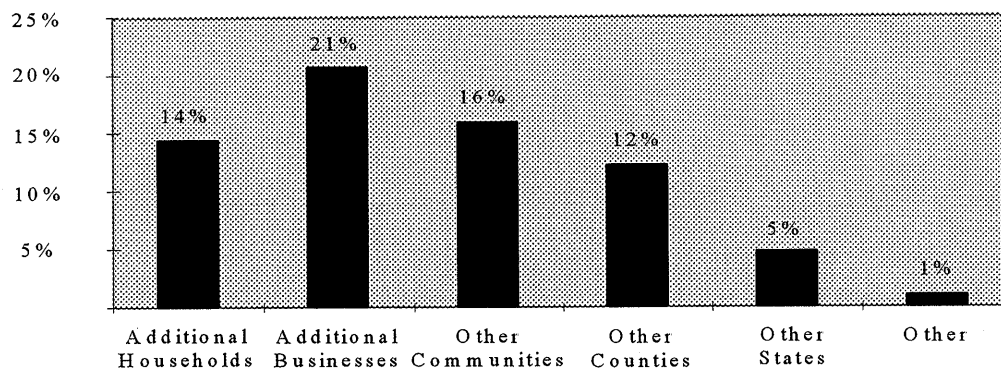


Figure 6

Ms. Hay presented details on assistance provided and how funds were used since the beginning of the program. She noted that there has been an expansion of recycling services due to the financial assistance provided.

Rita Venner asked if the department has any programs to help counties find markets for their recycled material. She related that the Carroll area facility is now getting only five dollars/ton for mixed paper compared to \$112/ton in 1995.

Ms. Hay indicated that there is a problem, nationally, which is influenced by national export markets as well as demand and purchases of consumer goods. She related that there is not much the department can do about it. She noted that DED and Recycle Iowa Office try to attract businesses into Iowa or help Iowa businesses expand to use recycled materials, and help within the state to develop markets.

Bill Ehm commented that recycling is not going to be profitable except for short periods of time, and considering the costs involved in construction and use of landfill space, recycling is a viable alternative for the waste stream.

INFORMATIONAL ONLY

PUBLIC PARTICIPATION

Chairperson King announced Public Participation at 10:30 a.m.; no one requested to speak.

FINAL RULE--CHAPTER 216, REGENTS TIRE DERIVED FUEL PROGRAM

Teresa Hay, Division Administrator, Waste Management Assistance Division, presented the following item.

The Commission is requested to approve the attached as final rules. These rules address the establishment of a program for the allocation of moneys to State Board of Regents' institutions of higher education to offset additional fuel costs incurred through the use of tire-derived fuel in generating heat, electricity, or power on a British thermal unit (Btu) equivalency basis. These rules have been developed pursuant to Iowa Code chapter 455D.11E.

Notice Of Intended Action was published in the IAB on February 12, 1997 as ARC 7048A. A public hearing was held for the purpose of receiving written and oral comments on the proposed rule. The hearing was held on March 5, 1997 at 1:00 p.m., in the Wallace State Office Building, 900 E. Grand Avenue, Des Moines, Iowa. A total of four oral comments were received at the public hearing concerning these rules, and one comment was received in writing prior to the hearing. The public participation responsiveness summary for the rule is attached.

Based on comments received through the hearing process the Department has made minor amendments to the initial proposed rules. These amendments address expanding the definition of "additional fuel costs" to include labor and equipment maintenance costs associated with the blending of tire-derived fuel with the primary fossil fuel used by the institution, and by also providing the Regents with an additional percentage reimbursement to assist in offsetting these additional labor and maintenance costs.

ENVIRONMENTAL PROTECTION COMMISSION [567]

Adopted and Filed

Pursuant to Iowa Code section 455D.11E, the Environmental Protection Commission hereby adopts Chapter 216, "Regents Tire Derived Fuel Program," Iowa Administrative Code.

This new chapter provides for the allocation of moneys to State Board of Regents' institutions of higher education to offset additional fuel costs incurred through the use of tire-derived fuel in generating heat, electricity, or power on a British thermal unit (Btu) equivalency basis.

Notice of Intended Action was published in IAB on February 12, 1997 as ARC 7048A.

A public hearing was held on March 5, 1997. Written and oral comments were accepted from the public at this time.

As a result of the comments received, the department has made revisions to the Notice of Intended Action. These revisions include expanding the definition of "additional fuel costs" to include labor and equipment maintenance costs associated with the blending of tire-derived fuel with the primary fossil fuel used by the institution. Also included were revisions regarding eligible and ineligible reimbursement costs, and eligible amounts of reimbursement for these costs. These revisions are contained in rules 216.3, 216.7, 216.8, and 216.11.

These rules are intended to implement Iowa Code section 455D.11E.

These rules will become effective June 25, 1997

The following new chapter is adopted:

CHAPTER 216
REGENTS TIRE DERIVED FUEL PROGRAM

567--216.1(455D) Goal. The goal of this program is to assist in the state's effort to manage waste tires in an environmentally sound manner, by encouraging state board of regents institutions of higher education to use waste tires for beneficial uses to the fullest extent practicable, including the use of tire-derived fuel.

567--216.2(455D) Purpose. The purpose of this chapter is to establish a regents tire-derived fuel program for the allocation of moneys to such institutions to offset additional fuel costs incurred through the use of tire-derived fuel in generating heat, electricity, or power on a British

thermal unit equivalent basis. This program shall be available only to the extent that such moneys help to reduce the number of waste tires within the state.

567--216.3(455D) Definitions. As used in this chapter:

"Additional fuel costs" means the difference between the purchase price of tire-derived fuel and the purchase price of an institution's primary fossil fuel as compared on a price per million Btu equivalency basis, and labor and equipment maintenance costs associated with ~~blending tire-derived fuel with the institution's primary fossil fuel.~~

"Btu" means British thermal unit

"Department" means Iowa department of natural resources.

"Institutions" means the following institutions of higher education as governed by the state board of regents:

1. The state university of Iowa.
2. The Iowa state university of science and technology, including the agricultural experiment station.
3. The university of northern Iowa.

"Processing site" means a site which is used for the processing of waste tires and which is owned or operated by a tire processor who has a permit for the site.

"Tire-derived fuel" means a fuel derived from waste tires. This may include whole tires or tires processed into uniform, flowable pieces which satisfy the specifications of the end-user for use as either a primary or supplemental fuel.

"Tire processor" means a person who reduces waste tires into a processed form suitable for recycling or producing fuel for energy or heat, or uses whole waste tires in any other beneficial use as authorized by the department. "Tire processor" does not mean a person who retreads tires or processes and stores tires.

"Waste management assistance division" means the waste management assistance division of the department of natural resources established by 455B.483.

"Waste tire" as defined in Iowa Code section 455D.11, means a tire that is no longer suitable for its originally intended purpose due to wear, damage, or defect. "Waste tire" does not include a nonpneumatic tire.

567--216.4(455D) Role of the department of natural resources. The department is responsible for the administration of funds for award to regents institutions under these rules. The department will assure that funds disbursed meet guidelines established in Iowa Code section 455D.11E.

567--216.5(455D) Funding source. The department will use funds available from the waste tire management fund authorized by Iowa Code section 455D.11C. Pursuant to Iowa Code section 455D.11E, \$100,000 in annual funding is provided for the regents tire-derived fuel program over a six-year period, beginning in fiscal year 1997 through fiscal year 2002.

567--216.6(455D) Eligibility. Any institution as defined in rule 216.3(455D) may request funding through this program to offset additional fuel costs incurred through the use of tire-derived fuel during the fiscal year for which funding has been requested, subject to the requirements of this chapter, and the following conditions:

1. The institution may request reimbursement only if the tire-derived fuel was purchased from a tire processor operating a processing site located within Iowa, and
2. The institution must be in compliance with all local, state, and federal regulations and requirements regarding the use and combustion of tire-derived fuels.

567--216.7(455D) Eligible costs. Institutions may request reimbursement funding to offset additional fuel costs associated with the use of tire-derived fuel. The reimbursement allocation shall be based upon the difference between the purchase price of tire-derived fuel and the purchase price of the institution's primary fossil fuel on a price per million Btu equivalency basis.

In arriving at this cost difference, transportation costs associated with transport of the tire-derived fuel from the processor to the institution may be considered in this comparison, provided that the costs associated with transport of the primary fossil fuel used by the institution is also included in the comparison.

Labor and equipment maintenance costs associated with blending tire-derived fuel with the institution's primary fossil fuel are also eligible costs. Reimbursement for these costs under this program shall not exceed twenty-five percent of the difference between the purchase price of tire-derived fuel and the purchase price of the institution's primary fossil fuel on a price per million Btu equivalency basis that is calculated by the institution pursuant to this rule.

567--216.8(455D) Ineligible costs. Funds through this program shall not be provided or used for costs that include, but are not limited to, the following:

1. Purchase of equipment for off-loading, handling, or storing tire-derived fuel;
2. Building purchase, construction, remodeling, rent, or leasing associated with the storage or processing of tire-derived fuel;
3. Administration and accounting;
4. Consultant fees;
5. Permits, fees, and monitoring expenses;
6. Purchase of tire-derived fuel outside of the fiscal year for which funds are currently available.

567--216.9(455D) Intent to participate. Institutions desiring to obtain cost reimbursement through the regents tire-derived fuel program shall submit a letter of intent to the department, which shall describe their intent to participate in the program, by June 1 prior to the beginning of the fiscal year for which funds are anticipated to be requested. The letter of intent shall provide the following information:

1. Estimated quantity of tire-derived fuel to be purchased during the fiscal year as measured on a tonnage basis.
2. A comparison between the purchase price of tire-derived fuel and the purchase price of the institution's primary fossil fuel on a price per million Btu equivalency basis.

In arriving at this cost difference, transportation costs associated with transport of the tire-derived fuel from the processor to the institution may be considered in this comparison, provided that the costs associated with transport of the primary fossil fuel used by the institution is also included in the comparison.

3. Any contract or bid obtained by the institution for the purchase of tire-derived fuels

from producers of tire-derived fuel products must be provided to the department. Procedures used to make contract award determinations shall also be described. If multiple bids or price estimates were obtained by the institution, all such bid and pricing information shall be included in the narrative submitted to the department.

567--216.10(455D) Allocation of funds. Funding shall be allocated to institutions as reimbursement for eligible costs as described in rule 216.7(455D). Such reimbursement shall be made available at the end of each quarter of the fiscal year that funding has been allocated.

216.10(1) Funding allocation limitations. The department shall determine the total amount of funding available for allocation to an institution during a fiscal year, based upon consideration of the following:

a. The institution's estimated total eligible expenditures for the fiscal year that funding has been requested, as contained in the institution's letter of intent to participate, as described in rule 216.9(455D).

b. An individual institution's estimate of funds to be requested shall be compared to the total amount of funding available. If the total amount of funds requested by all institutions exceeds the total amount of annual funds available, funding allocations shall be made proportionately between the institutions based on the estimated tonnage of tire-derived fuel estimated to be procured during the fiscal year period by each institution.

216.10(2) Allocation of remaining funds. An institution which does not submit a letter of intent to participate according to the schedule as listed in rule 216.9(455D), may still be eligible to receive reimbursement for tire-derived fuel purchases subject to the following:

a. Sufficient program funds remain after allocations to institutions that previously submitted letter of intent that were approved by the department.

b. The institution submits a letter of intent to participate in accordance with rule 216.9(455D) for the portion of the fiscal year that yet remains.

567--216.11(455D) Disbursement of funds. Funds through the program shall be disbursed to institutions approved by the department. Funds shall be disbursed as reimbursement for approved expenditures on a quarterly fiscal year basis; ending dates of each quarter of a fiscal year are September 30, December 31, March 31, and June 30.

The department will issue reimbursement payments to the institution only. In order to disburse funds an institution must submit the following information within 45 days following the end of the fiscal year quarter for which reimbursement is requested:

1. Copies of statements or invoices that clearly denote the quantity of tire-derived fuel delivered to the institution, and the purchase price for the tire-derived fuel, during the past fiscal year quarter for which funds have been requested.

2. Copies of statements, invoices, or other documentation that clearly denotes the purchase price of the primary fossil fuel used by an institution during the equivalent fiscal year quarter.

3. Reports or analysis of the Btu value of the tire-derived fuel purchased and the primary fossil fuel purchased during the period for which the reimbursement is to be awarded.

4. Comparison of the above-listed information for determination of the additional fuel costs incurred on a per million Btu equivalent basis.

5. Detailed description of the eligible labor and equipment maintenance activities and

itemized expenditures the institution is seeking reimbursement for. Pursuant to rule 216.7, reimbursement for labor and equipment maintenance costs associated with blending tire-derived fuel with the institution's primary fossil fuel shall not exceed twenty-five percent of the difference between the purchase price of tire-derived fuel and the purchase price of the institution's primary fossil fuel on a price per million Btu equivalency basis that is calculated by the institution.

6. Submittal of a correctly completed state claim voucher to the department.

567--216.12(455D) Funding denial. An institution may be denied funding through this program for any of the following reasons:

1. An institution does not meet the definition of "institution," as defined in rule 216.3(455D);
2. An institution does not meet eligibility requirements pursuant to rules 216.6(455D) to 216.8(455D); or,
3. An institution does not provide sufficient information as requested in rules 216.9(455D) and 216.11(455D).

These rules are intended to implement Iowa Code section 455D.11E.

Date

Larry J. Wilson, Director

(A copy of the Responsiveness Summary is on file in the department's Records Center)

Ms. Hay reviewed details of the rule and changes made as a result of public comment.

Brief discussion followed.

Motion was made by Charlotte Mohr to approve Final Rule--Chapter 216, Regents Tire Derived Fuel Program. Seconded by Terrance Townsend. Motion carried unanimously.

APPROVED AS PRESENTED

FINAL RULE--CHAPTER 217, WASTE TIRE PROCESSOR INCENTIVES PROGRAM

Teresa Hay, Division Administrator, Waste Management Assistance Division, presented the following item.

The Commission is requested to approve the attached as final rules. These rules address the establishment of a program for the allocation of moneys to eligible waste tire processors located within the State, as an incentive to encourage tire processors to lower the rates at which they sell processed waste tire materials. These rules have been developed pursuant to Iowa Code chapter 455D.11F.

The rules for the implementation of this program address the following:

- Allocation of a total of \$300,000 annually, for fiscal years 1997-2002.
- Waste tire processors must process more than 250,000 tires annually in order to be eligible for funding through this program.
- An individual tire processor may receive twenty cents per tire for each processed or whole waste tire delivered to a site or sites of beneficial end use.
- A tire processor may receive no more than \$20,000 annually from within the program.

Notice Of Intended Action was published in the IAB on February 12, 1997 as ARC 7049A. A public hearing was held for the purpose of receiving written and oral comments on the proposed rule. The hearing was held on March 5, 1997 at 1:00 p.m., in the Wallace State Office Building, 900 E. Grand Avenue, Des Moines, Iowa. One oral comment was received at the hearing, and one written comment was also received. The public participation responsiveness summary for the rule is attached.

The proposed final rule presented does not contain any corrections or changes from the notice of intended action. At this time the Commission is requested to approve IAC Chapter 217.

ENVIRONMENTAL PROTECTION COMMISSION [567] Adopted and Filed

Pursuant to Iowa Code section 455D.11F, the Environmental Protection Commission hereby adopts Chapter 217, "Waste Tire Processor Incentive Program," Iowa Administrative Code.

This new chapter provides for the awarding of incentive moneys to eligible waste tire processors located within the State as an incentive to encourage such tire processors to lower the rates at which they sell processed waste tire materials.

Notice of Intended Action was published in IAB on February 12, 1997 as ARC 7049A. A public hearing was held on March 5, 1997. Written and oral comments were accepted from the public at this time.

There are no changes as a result of the public hearing.

These rules are intended to implement Iowa Code section 455D.11F.

These rules will become effective June 25, 1997.

The following new chapter is adopted.

CHAPTER 217 WASTE TIRE PROCESSOR INCENTIVE PROGRAM

567--217.1(455D) Goal. The goal of this program is to provide an incentive to encourage tire processors to lower the rates at which they sell processed waste tire materials.

567--217.2(455D) Purpose. The purpose of this chapter is to establish a waste tire processor incentive program for the allocation of moneys to such processors.

567--217.3(455D) Definitions. As used in this chapter:

“Department” means Iowa department of natural resources.

“Passenger tire equivalent” means a conversion measurement used to estimate waste tire amounts from a total weight figure where one passenger car tire is equal to 20 pounds.

~~“Processing site” means a site which is used for the processing of waste tires and which~~
is owned or operated by a tire processor who has a permit for the site.

“Site of end use” means a site where whole or processed waste tires are recycled or reused in a beneficial manner authorized by the department.

“Tire processor” means a person who reduces waste tires into a processed form suitable for recycling or producing fuel for energy or heat, or uses whole waste tires in any other beneficial use as authorized by the department. “Tire processor” does not mean a person who retreads tires or processes and stores tires.

“Waste management assistance division” means the waste management assistance division of the department of natural resources established by 455B.483.

“Waste tire” as defined in Iowa Code section 455D.11, means a tire that is no longer suitable for its originally intended purpose due to wear, damage, or defect. “Waste tire” does not include a nonpneumatic tire.

567--217.4(455D) Role of the department of natural resources. The department is responsible for the administration of funds awarded to tire processors under these rules. The department will assure that funds disbursed meet guidelines established in Iowa Code section 455D.11F.

567--217.5(455D) Funding source. The department will use funds available from the waste tire management fund, authorized by Iowa Code section 455D.11C. Pursuant to Iowa Code section 455D.11F, \$300,000 in annual funding is provided from the waste tire management fund for the waste tire processor’s incentive program over a six-year period, beginning in fiscal year 1997 through fiscal year 2002. Funds shall be made available to eligible tire processors as specified in rule 217.7(455D) at the end of each fiscal year.

567--217.6(455D) Allocation of funds. The department shall determine the total amount of funding available for allocation to an individual tire processor during a fiscal year, based upon consideration of the following:

217.6(1) Maximum allocation. Eligible tire processors may receive funding of twenty cents per passenger tire equivalent processed and delivered to a site or sites of end use. An individual tire processor shall not receive more than \$20,000 from the waste tire management fund in a fiscal year.

217.6(2) Allocation requests in excess of funding availability. An individual tire processor’s request for funds shall be compared to the total amount of annual program funding available. If the total amount of requests for funds exceeds the total amount of annual funds available, funding allocations shall be made proportionately based on the passenger tire

equivalent of waste tires processed and delivered to a site or sites by each tire processor during the fiscal year for which funding has been requested.

567--217.7(455D) Eligibility. Any tire processor as defined in rule 217.3(455D) may request funding through this program subject to the requirements of this chapter and the following conditions:

1. The tire processor must be currently operating a tire processing site located within Iowa.

2. The tire processor must annually process the passenger tire equivalent of more than 250,000 waste tires, as defined in section 455D.11, into a form suitable for recycling or the production of fuel for energy or heat, or must deliver 250,000 or more whole waste tires to a site or sites of beneficial use as approved by the department.

3. Of the total annual quantity of tires processed, only those processed tires or whole waste tires that are delivered to a site or sites of end use will qualify for funding as specified in subrule 217.6(1).

4. The tire processor must be in compliance with all applicable provisions of local, state, and federal regulations, including the department's waste tire storage, collection, and processing requirements as set forth in 567-- Chapter 117.

5. There are no current or pending enforcement actions against the tire processor by the department. If such actions exist, the tire processor is ineligible to receive moneys under this program.

567--217.8(455D) Request for funds. Tire processors desiring to obtain funds through the waste tire processor incentive program shall submit a written request for funds to the department no earlier than July 1 and no later than September 1 after the end of a fiscal year for which funds are requested. The written request shall provide the following information:

1. Address and location of the tire processing operation.
2. Documentation, reports, or statements submitted to the satisfaction of the department, that denote the processing of more than 250,000 waste tires by the tire processor within the fiscal year that funds have been requested.

3. Documentation of the quantity of processed or whole waste tires, on a passenger tire equivalency basis, that have been delivered to a site of end use.

4. A statement of how funds awarded through this program will be used by the tire processor. Consistent with the goals of the program, as specified in rule 217.1(455D), processors are encouraged to use funds awarded to lower the rates at which they sell processed waste tire materials.

567--217.9(455D) Disbursement of funds. Funds through the program shall be disbursed to tire processors that have submitted a request for funds to the waste management assistance division, and have had such a request approved by the department. The department will disburse funds to the permitted tire processor only. Within 30 days of the tire processor's notification of approval of the request for funds by the department, the tire processor shall submit a correctly completed state claim voucher to the department. Payment to the tire processor will then be issued.

567--217.10(455D) Funding denial. A tire processor may be denied funding through this program for any of the following reasons:

1. A processor does not meet the definition of "tire processor," as defined in rule 217.3(455D);
2. A tire processor does not meet the eligibility requirements pursuant to rule 217.7(455D); or,
3. A tire processor does not provide sufficient information as requested in rule 217.8(455D).

These rules are intended to implement Iowa Code section 455D.11F.

Date

Larry J. Wilson, Director

Ms. Hay reviewed the rules and public comments received.

Rita Venner asked if an individual processor can bring tires in from another state and receive the 20 cents/tire from Iowa.

Ms. Hay stated that a processor has to be located within the state but they can bring tires in from bordering states.

Chairperson King asked whether a processor with existing stockpiles, who is currently in violation, is eligible to receive the money.

Ms. Hay replied that they would not be eligible because the rules state a recipient must be in compliance with all applicable provisions of local, state, and federal regulations.

Motion was by Dean McWilliams to approve Final Rule--Chapter 217, Waste Tire Processor Incentive Program. Seconded by Treeance Townsend. Roll call vote was taken and "aye" vote was cast by Commissioners Townsend, Ehm, McWilliams, Mohr, Murphy, and King. "Nay" vote was cast by Commissioners Venner and Priebe. Motion carried on a vote of 6-aye to 2-nay.

APPROVED AS PRESENTED

PROPOSED RULE--CHAPTER 218, WASTE TIRE STOCKPILE ABATEMENT PROGRAM

Teresa Hay, Division Administrator, Waste Management Assistance Division, presented the following item.

The Iowa General Assembly adopted comprehensive waste tire management legislation, HF2433, during the 1996 Session. One of several components within HF2433 included the establishment of a waste tire management fund. A portion of moneys from the fund is appropriated for the awarding of contracts by the Department for the processing of waste tires from existing waste tire stockpiles. Moneys will be available from the fund for fiscal years 1997-2002.

~~In conjunction with the intent of this legislation, the Department has drafted the following proposed rules, Chapter 218 - Waste Tire Stockpile Abatement Program. These proposed rules are provided to the Commission for information and review.~~

Proposed rules for implementation of this program include the following:

The proposed rules will establish the process for use of the funds available for implementation of the waste tire stockpile abatement program. The rules establish criteria which the department will follow for prioritizing waste tire stockpile abatement projects, requirements for owners or operators of nuisance stockpile sites, procedures for awarding stockpile abatement contracts, and guidelines that the department may use to seek cost recovery for stockpile abatement activities.

In developing these proposed rules, the Department has considered the following factors and circumstances:

- Over 60 waste tire stockpile locations are present throughout the state, many of which pose a significant risk to the environment, public health or safety.
- A total of over 5 million waste tires have been estimated to be contained within these stockpiles.
- A majority of these stockpiles have not obtained a waste tire storage permit from the Department, and are not currently in compliance with Department waste tires storage requirements.
- The Department has previously initiated enforcement actions at many of these sites, however, in many situations the owners or operators have not had the financial resources to comply with the action and proceed with abatement.

Within these proposed rules priority will be given to the abatement of stockpiles, which will consist of complete removal of a waste tire stockpile collection, and stipulations requiring that the owner or operator does not collect waste tires in the future on that site, or other sites under their control. The general focus of this prioritization is designed to ensure that as many nuisance stockpile sites as possible may be permanently remedied within the time frame that funding is available. Criteria that will be used to prioritize a stockpile site for action will include the size of the stockpile, its susceptibility to fire, and the risk it poses to the environment and public health, safety, or welfare, combined with consideration of funding availability, and potential cost-share that owners or operators may offer to provide.

In developing these rules the Department has taken into consideration previous experiences and situations in which enforcement actions have been issued to responsible owners and operators, requiring them to rectify or abate stockpile sites that posed nuisances and were not complying with waste tire storage permit requirements. Within these actions it has been noted that many responsible parties have not complied due to financial burdens that would be imposed on them through proper waste tire removal and processing activities. Many of these nuisance stockpile sites were created through failed or unfocused business ventures, and if the responsible party did not have the funds to operate a successful business, they most often do not have the financial resources needed to rectify the nuisance they have now created.

Use of available funding during these next few years to address these sites will ensure that the public good is served through the abatement of nuisance conditions, and responsible parties will still be required to enter into letters of agreement with the Department which would ensure that they do not enter into any future endeavors related to waste tire collection or management activities.

These proposed rules will be brought to the Commission as a Notice of Intended Action decision item for the next Commission meeting.

(A copy of the rule is on file in the department's Records Center)

Ms. Hay reviewed the rules in detail.

Commissioner Ehm asked to have the word "unreasonable" stricken, under 567--218.1(455D) Goal.

Discussion followed regarding the department's recourse on a hauler taking tires to an unpermitted site; the rules applying to operators that have 500 or more waste tires on site; amount of money in the fund; and the cap on number of tires that can be permitted at a site.

INFORMATIONAL ONLY

MONTHLY REPORTS

Mike Murphy, Bureau Chief, Compliance and Enforcement Bureau, presented the following item.

The following monthly reports are enclosed with the agenda for the Commission's information.

1. Rulemaking Status Report
2. Variance Report
3. Hazardous Substance/Emergency Response Report
4. Enforcement Status Report
5. Contested Case Status Report

Members of the department will be present to expand upon these reports and answer questions.

RULEMAKING STATUS REPORT April 1, 1997

PROPOSAL	NOTICE TO COMM.	NOTICE PUBLISH	RULES REVIEW COMM.	HEARING	FINAL SUMMARY TO COMM.	RULES ADOPTED	RULES PUBLISH	RULES REVIEW COMM.	RULE EFFECTIVE
1. Ch. 20 - Potential to Emit for Emergency Generators	9/16/96	10/09/96	11/13/96	11/07/96	3/17/97	3/17/97	4/09/97	*5/05/97	*5/16/97
2. Ch. 20, 21, 23, 25 and 29 - Air Quality Rules	10/21/96	11/20/96	12/11/96	12/10/96	3/17/97	3/17/97	4/09/97	*5/05/97	*5/16/97
3. Ch. 22, 23 - Air Quality- Emission Guidelines for Municipal Solid Waste Landfills	2/17/97	3/12/97	4/08/97	4/11/97	*5/19/97	*5/19/97	*6/08/97	*7/07/97	*7/23/97
4. Ch. 216 - Regents Tire Derived Fuel Program	1/21/97	2/12/97	3/03/97	3/05/97	4/21/97	*4/21/97	*5/21/97	*6/09/97	*6/25/97
5. Ch. 217 - Waste Tire Processor Incentive Program	1/21/97	2/12/97	3/03/97	3/05/97	4/21/97	*4/21/97	*5/21/97	*6/09/97	*6/25/97
6. Ch. 218 - Waste Tire Stockpile Abatement Program	4/21/97	*5/21/97	*6/09/97	*6/1/97	*7/21/97	*7/21/97	*8/13/97	*9/05/97	*9/17/97

VARIANCE REPORT - MARCH 1997

No.	Facility	Program	Engineer	Subject	Decision	Date
1	Cargill, Inc.-Eddyville	Air Quality	Thompson Environmental.	Permit Requirements	Approved	03/27/97
2	Climax Molybdenum-Fort Madison	Air Quality		Permit Requirements	Approved	03/05/97
3	Quantum Chemical Company-Clinton	Air Quality		Permit Requirements	Approved	03/19/97
4	Kirkville, City of (Wapello Rural Water Association)	Wastewater Construction	Garden Assoc.	Lagoon Riprap	Approved	03/03/97
5	Kirkville, City of (Wapello Rural Water Association)	Wastewater Construction	Garden Assoc.	Number of Lagoon Cells	Approved	03/03/97
6	Kirkville, City of (Wapello Rural Water Association)	Wastewater Construction	Garden Assoc.	Pond Influent Piping	Approved	03/03/97
7	Kirkville, City of (Wapello Rural Water Association)	Wastewater Construction	Garden Assoc.	Buried Discharge Valves	Approved	03/03/97
8	Kirkville, City of (Wapello Rural Water Association)	Wastewater Construction	Garden Assoc. &	Iner-Cell Control Structures	Approved	03/03/97
9	Kirkville, City of (Wapello Rural Water Association)	Wastewater Construction	Garden Assoc. &	Minimum Sewer Size	Approved	03/03/97
10	Kirkville, City of (Wapello Rural Water Association)	Wastewater Construction	Garden Assoc. &	Manhole Spacing	Approved	03/03/97
11	South Walnut Creek Bridge-Polk County	Flood Plain	Bishop Engineering	Freeboard	Approved	03/03/97

12	Trinkle Reclamation Pond- Marion County	Flood Plain	Shive-Hattery	Storm/Storage Capacity	Approved	03/04/97
13	Arrow-Acme Company- Webster City	Wastewater Operation		Monitoring Frequency	Partial Approval	03/24/97
14	Cargill, Inc.-Eddyville	Wastewater Operation	Howard R. Green Company	Monitoring Frequency	Partial Approval	03/03/97
15	Cedar County Secondary Roads Department	Solid Waste	Cedar County Engineer	Permit Exemption	Approved	03/28/97
16	Central Iowa Power Cooperative Ash Disposal Landfill-Muscatine County	Solid Waste	Montgomery Watson	Groundwater Monitoring	Approved	03/03/97
17	Crane Valves, Inc. Foundry Sand Disposal Facility- Washington County	Solid Waste	Shive-Hattery	Permit Exemption	Approved	03/07/97
18	Dickinson County Sanitary Landfill	Solid Waste	USA Waste Services, Inc.	Groundwater Monitoring	Approved	03/28/97
19	College Springs, City of	Watersupply Construction	Gilmore & Associates, Inc.	Construction Materials	Approved	03/11/97
20	Oxford, City of	Watersupply Construction	Howard R. Green Company	I/A Treatment Technique	Denied	03/25/97
21	Woodland Ridge Subdivision- Johnson County	Watersupply Construction	MMS Consultants, Inc.	Construction Materials	Approved	03/31/97

During the period March 1, through March 31, 1997, 53 reports of hazardous conditions were received. A general summary and count by field office is presented below.

Month	Total Incidents	Petroleum Product	Agri - Chemical	Other Chemicals	Handling and Storage	Pipeline	Highway Incident	RR Incident	Fire	Other
Oct.	52(64)	28(37)	10(9)	14(18)	31(21)	0(0)	13(35)	4(3)	0(1)	4(4)
Nov.	33(52)	18(34)	9(7)	6(11)	16(25)	0(4)	12(21)	2(1)	0(0)	3(1)
Dec.	33(56)	20(30)	3(11)	10(15)	16(28)	1(2)	12(21)	0(2)	1(1)	3(2)
Jan.	39(42)	28(18)	4(9)	7(14)	20(24)	1(0)	15(13)	2(1)	0(0)	1(4)
Feb.	54(55)	29(36)	7(11)	18(8)	29(37)	2(1)	20(12)	1(2)	2(1)	0(2)
Mar.	53(59)	37(44)	9(6)	7(9)	29(29)	0(0)	16(28)	4(0)	0(0)	4(2)
Apr.										
May										
Jun.										
Jul.										
Aug.										

(numbers in parentheses for the same period in fiscal year '96)

Total Number of Incidents Per Field Office This Period:

1	2	3	4	5	6
7	11	4	7	17	7

**Enforcement Report Update
April 1, 1997**

The following new enforcement actions were taken last month:

<u>Name, Location, and Field Office Number</u>	<u>Program</u>	<u>Alleged Violation</u>	<u>Action</u>	<u>Date</u>
Ronald Slocum; Tammy Lynn Determan, Marshall Co. (5)	Solid Waste	Illegal Disposal	Order/Penalty \$10,000	3/03/97
Paul Behounek; Todd Behounek, Tama Co. (5)	Air Quality Solid Waste	Open Burning; Illegal Disposal	Order/Penalty \$7,100	3/10/97
Austin J. DeCoster, Sow Unit #9, Nursery Unit #3, Wright Co. (2)	Wastewater	Construction Without Permit	Order (Consent)	3/14/97
Austin J. DeCoster, Sow Unit #9, Nursery Unit #3, Wright Co. (2)	Wastewater	Construction Without Permit	Amended Order (Consent)	3/28/97
Carroll Etchen, Clear Lake (2)	Underground Tank	Insurance Violation	Order/Penalty \$10,000	3/28/97
Tom Ashland, Clear Lake (2)	Underground Tank	Insurance Violations	Order/Penalty \$5,300	3/28/97
Brittany Estates Addition, Manchester (1)	Drinking Water	Construction Without Permit; Monitoring/Reporting- Bacteria; Public Notice	Order/Penalty \$4,000	3/28/97

Summary of Administrative Penalties

The following administrative penalties are due:

<u>NAME/LOCATION</u>	<u>PROGRAM</u>	<u>AMOUNT</u>	<u>DUE DATE</u>
Marvin Kruse d/b/a K & C Feeds (Luana)	UT	300	12-01-92
Don Grell d/b/a Dodger Enterprises (Ft. Dodge)	AQ	10,000	2-16-93
Duane Pospisil d/b/a Duane's Service (Lisbon)	UT	1,000	5-04-93
Melvin Foubert d/b/a Mel's Repair Service (What Cheer)	UT	400	12-13-93
Stan Simmer d/b/a Tire City (Des Moines)	UT	600	12-21-93
*63-80 Cafe (Moore Oil Co.) (Malcom)	WS	200	1-20-93
Ida Grove Farm Supply Co. d/b/a Double Circle Farm Supply Co. (Galva)	UT	2,300	5-15-94
Leland Koster and Jim Koster (Alexander)	UT	350	6-11-94

Environmental Protection Commission Minutes

April, 1997

*Home Asbestos & Lead Abatement Services (Johnston)	AQ	350	7-02-94
Crawford Flats, Ltd. (Denison)	WS	275	8-25-94
Holland, City of	WS	550	8-28-94
Coralville Lake Terrace Assn. (North Liberty)	WS	550	9-01-94
Bill Dettman d/b/a Dettman Oil Co. (Fonda)	UT	2,800	9-15-94
Scenic View Estates (Decorah)	WS	275	9-25-94
Hidden Valley Mobile Home Court (Washington Co.)	WS	200	10-22-94
*Dale Hall d/b/a Hall Oil Co. (Des Moines)	UT	250	11-15-94
William R. Hennessey & Son, Inc. (Cedar Rapids)	UT	2,670	12-06-94
Donald K. Schmidt (Cedar Rapids)	UT	3,000	12-27-94
Collier Oil Co.; Clark Concrete Co. (Onawa)	UT	3,300	1-22-95
Valley Heights 1st Annex (Blue Grass)	WS	550	6-05-95
Rock Falls Lounge (Rock Falls)	WS	1,500	6-12-95
Crestwood Acres; Mid County Water, Inc. (Toddville)	WS	375	6-13-95
Lake Vista Improvement Assn., Inc. (Solon)	WS	200	6-14-95
Fremont County Sanitary Landfill (Fremont Co.)	SW	5,000	7-05-95
David A. Dohlman d/b/a Dave's Conoco (Dumont)	UT	2,300	7-18-95
M & L Service; Loyal Dorr; Mark Courtney (Guthrie Center)	UT	1,000	8-30-95
Norman Klynsmas d/b/a OK One Stop Service (Hospers)	UT	2,000	9-01-95
Carter Lake, City of	WS	200	10-25-95
Meadow Knolls Addition (Marion)	WS	200	10-29-95
Searsboro, City of	WW	2,500	11-08-95
*R.V. Hopkins, Inc. (Davenport)	AQ	10,000	11-15-95
Economy Solar Corp. (Monticello)	AQ	7,500	11-25-95
Elery Fry; Allen Fry; Becky Sandeen (Monroe Co.)	SW	6,000	1-20-96
Patrick McCoy (Keokuk Co.)	AQ/SW	2,000	2-10-96
Cheryl Straughn d/b/a Cher's Mini Mart (Chapin)	UT	600	2-21-96
Dennis Sharkey d/b/a Sharkey Bldg. Wrecking (Dubuque)	AQ	2,000	3-11-96
Sportsmen's Club (Waukon)	WS	100	4-01-96
C & C Ltd. d/b/a Country View MHP (Denison)	WS	475	4-08-96
Long Branch Tavern (Monmouth)	WS	100	5-01-96
David Kramer (Camanche)	UT	600	5-03-96
Latimer, City of	WS	150	5-03-96
Ainsworth, City of	WS	150	5-03-96
Hofer's Danceland Ballroom (Walford)	WS	100	5-04-96
McClelland Bar & Grill (Council Bluffs)	WS	100	5-06-96
Paul L. Dunkel (Delaware Co.)	SW	1,500	6-27-96
*Orrie's Supper Club, Inc. (Hudson)	WS	650	7-15-96
*Woden-Crystal Lake Comm. School District (Crystal lake)	AQ	1,000	8-01-96
Plantation Village Mobile Home Park (Burlington)	WW	1,000	8-01-96
Dennis L. Mattison (Winnebago Co.)	AQ/SW	600	9-03-96
*Dan Peterson d/b/a Peterson Backhoe (Dumont)	AQ	500	9-22-96
Carpenter Bar & Grill (Carpenter)	WS	725	9-27-96
Howard Victor and Wanda Victor (Des Moines)	UT	10,000	10-21-96
Riverside Lutheran Bible Camp (Story City)	WS	500	10-28-96
Long Branch Tavern (Monmouth)	WS	6,400	10-28-96
Wunschel Oil, et.al. (Battle Creek)	UT	4,400	12-23-96
Gassman's MHP & Spruce Harbor Inn (Dubuque)	WS	4,500	12-26-96
Mark Anderson d/b/a Westside Park for Mobile Homes; M A, Inc. (Burlington)	AQ/SW	1,000	1-03-97
#Eugene VanDenBerghe (Scott Co.)	WW	2,000	1-06-97
*Ken Frese (Keokuk Co.)	AQ/SW	175	1-09-97
*First United Methodist Church (Ft. Madison)	AQ	500	2-01-97
J.F.V. Corporation; Frank Hawk; Sharon Hawk (Prole)	UT	600	2-19-97
*Orville Long (Polk Co.)	SW	400	3-10-97
Long Branch Tavern (Monmouth)	WS	200	3-18-97
Thurman, City of	WR	100	3-17-97
Ballard Golf & Country Club (Story Co.)	WR	100	3-23-97
*#Gary Watson (Cerro Gordo Co.)	WW	350	4-01-97
Al's Fisherman's Wharf (Dubuque)	WS	500	4-02-97
Rodney, City of	WS	100	4-07-97
#Grand Prix Pork, Ltd. (Kossuth Co.)	WW	1,000	4-14-97
Hofer's Danceland Ballroom (Walford)	WS	3,200	4-19-97
#Practical Pig Corp. (Clinton Co.)	WW	2,500	4-29-97
*Vernon Kinsinger d/b/a K & K Sanitation (Washington)	AQ/SW	9,730	5-05-97

April 1997

Environmental Protection Commission Minutes

Co.)

Deer Ridge Estates (Ottumwa)	WS	100	-----
Carroll Etchen (Clear Lake)	UT	10,000	-----
Tom Ashland (Clear Lake)	UT	5,300	-----
Brittany Estates Addition (Manchester)	WS	4,000	-----
TOTAL		148,700	

The following cases have been referred to the Attorney General:

Donald P. Ervin (Ft. Dodge)	SW	669	3-05-90
Robert and Sally Shelley (Guthrie Center)	SW	1,000	3-04-91
Vernus Wunschel d/b/a Wunschel Oil (Ida Grove)	UT	300	1-12-92
Verna and Don Reed; Andrea Silsby (Union Co.)	SW	1,000	4-07-94
Relative, Inc.; Doug Smuck (Des Moines)	UT	3,070	10-11-94
Relative, Inc.; Doug Smuck (Des Moines)	UT	600	10-11-94
Trust Trucking Corp.; Jim and Brenda Huyser (Lovilia)	UT	840	11-01-94
Paul Underwood d/b/a Underwood Excavating (Cedar Rapids)	AQ	4,000	3-24-95
Oscar Hahn (Solon)	AQ/SW	2,000	8-29-95
Randy Ballard (Fayette Co.)	FP	2,000	5-30-95
ESCORP Associates Ltd.; Arnold Olson (Cedar Rapids)	AQ	10,000	7-09-95
Brian McKernan d/b/a Hickory Grove MHP (Story Co.)	WW	1,000	4-15-96
TOTAL		26,479	

The following administrative penalties have been appealed:

NAME/LOCATION	PROGRAM	AMOUNT
Joe Eggers, Jr., et.al. (St. Ansgar)	SW	1,000
Hickory Hollow Water Co. (Ankeny)	WS	400
Wayne Transportation, Inc. (Greene)	WW	1,000
Mulgrew Oil Company (Dubuque)	HC	500
Charles Kerr (Sloan)	UT	600
Chickasaw Co. SLF, et.al. (Chickasaw Co.)	SW	1,000
Plymouth Cooperative Oil Co. (Hinton)	WW	1,000
Randy Bonin/Vickie Brannick (Hardin Co.)	SW	500
Dean Hoeness d/b/a Hoeness & Sons (Winterset)	UT	300
King's Terrace Mobile Home Court (Ames)	WW	500
ITWC, Inc. (Malcom)	AQ	1,000
Frank Hulshizer (Benton Co.)	SW	500
Pirelli Armstrong Tire Corp. (Polk Co.)	SW	1,000
LeMars, City of	WW	5,000
Crane Co. d/b/a Crane Valves (Washington Co.)	SW	500
Donald Udell (Plymouth Co.)	SW	1,000
Oakwood Park Water, Inc. (Ankeny)	WS	1,000
U.S. Dept. of Defense (Sioux City)	UT	5,720
Waverly Gravel & Ready-Mix aka Shell Rock Sand & Gravel (Shell Rock)	AQ	3,000
Coastal Mart, Inc.-Store #1081 (Davenport)	UT	5,320
Country Stores of Carroll, Ltd.; Roger Kanne (Carroll)	UT	10,000
Elite, Ltd.; Roger Kanne; James Pietig (Coon Rapids)	UT	3,500
Elite, Ltd.; Roger Kanne; James Pietig (Logan)	UT	3,288
HiWay Texaco, Ltd.; Roger Kanne; Rick Kanne (Bagley)	UT	5,000
Galva Union Elevator Co. (Galva)	UT	3,100
Joseph L. Ranker; Daryl Hollingsworth (Indianola)	UT	4,000
Tom Wiseman (Sheffield)	UT	3,500
Karl and Thelma Boylan d/b/a Boylan's Service (Northboro)	UT	1,800
William Jensen d/b/a B & B Tire & Oil Co. (Avoca)	UT	2,300
Crabtree Lake Resort (Rhodes)	WW	5,400
Elmer R. Faust d/b/a Faust Garage & Grocery (Delaware)	UT	2,300
American Coals Corporation - Site #5 (Bussey)	AQ/SW	10,000
H.E.W., Inc. aka Hazardous Environmental Wastes, Inc. aka Algona Roofing & Insulation, Inc. (Algona)	AQ	5,000
Bankston, City of	WS	550
Wunschel Oil, et.al. (Ida Grove)	UT	10,000

E97Apr-28

Environmental Protection Commission Minutes

April, 1997

Jim Foust (Indianola)	SW	2,175
Titan Wheel International, Inc. (Walcott)	WW	10,000
Ronald Sizemore and Mark Murphy (Eldora)	UT	3,200
Boomsma's Egg, Inc. (Alden/Galt)	AQ	10,000
Keith Owens and Howard Maurer (Wilton)	UT	3,100
Tom Babinat d/b/a Tom's Car Care (Grundy Center)	UT	3,600
Richard Beckett (Villisca)	UT	1,300
Henry and Randy Krohn d/b/a Krohn Const. (Waukee)	AQ/SW	4,000
James and Roxann Neneman; J&R Mini Mart (Council Bluffs)	UT	3,900
Simonsen Industries, Inc. (Cherokee Co.)	WW	5,000
Sale-R-Villa Const., Inc. (Perry)	AQ	10,000
Dennis Malone & Joanne Malone (Morning Sun)	UT	600
Economy Solar Corp.; Jeffrey C. Intlekofer (Cedar Rapids)	AQ	10,000
Marty Feinberg d/b/a Feinberg Scrap Iron; Betty Feinberg; F & F Metals (Lee Co.)	HC/WW	10,000
Earth Media Technologies, Inc. (Polk Co.)	SW	3,000
Allison Fire Dept.; Allison, City of	AQ	5,000
Pilot Oil Corporation (Walcott)	WW/UT	5,000
Leonard C. Page (Adams Co.)	SW	3,000
White Oaks Homeowners Assn. (Ankeny)	WS	1,000
Boyer Valley Company (Arion)	WW	8,000
Wilbur McNear; Gilbert Persinger (Smithland)	UT	2,500
Donald Krieger (Terrill)	UT	600
Donald J. Foreman d/b/a D & R Feedlots (Woodbury Co.)	WW	3,000
Wilbur McNear d/b/a McNear Oil Co. (Charter Oak)	UT	2,000
Holiday Mobile Lodge, Inc. (Johnson Co.)	AQ/SW	2,000
Shell Rock Products, Inc. (Butler Co.)	AQ/SW	10,000
E.L. Incorporated (Algona)	SW	5,000
Weber Construction, Inc. (Cascade)	AQ	4,000
Tri-County Bank & Trust (Cascade)	AQ	4,000
Jack Pinney Operations, Inc. (Sioux City)	AQ	4,000
Roy Burger (Gillette Grove)	UT	5,400
Spencer Municipal Hospital (Spencer)	AQ	3,000
Westside Park for Mobile Homes (Burlington)	WW	3,000
Climax Molybdenum Company (Ft. Madison)	HC/AQ	10,000
Clarence, City of	WW	3,000
Bill Shirbroun d/b/a Was Broken Pallet (Webster Co.)	AQ/SW	1,000
Daryl & Karen Hollingsworth d/b/a Medora Store (Indianola)	UT	4,800
Hidden Valley Mobile Home Park (Washington)	WW	2,000
Jolly Roger Campground & Marina (North Liberty)	WW	1,000
Markley Knock d/b/a Knock's Bldg. Supply (Parkersburg)	AQ/SW	2,000
Dean Williams d/b/a Williams Oil Co. (Stuart)	UT	4,800
Russell Stagg (Muscatine Co.)	AQ/SW	2,000
Obie's Hurstville Tap, Inc. (Maquoketa)	WS	100
Edward Bodensteiner (Des Moines)	UT	3,200
Dallas County Care Facility (Adel)	WW	2,500
#Marlin Brenneman (Iowa Co.)	WW	3,000
Mount Joy Mobile Home Park (Davenport)	WW	2,000
Louisa-Muscatine Community School (Letts)	WS	500
Davenport Travel Plaza (Walcott)	WS	250
#C & I Eggs (Webster Co.)	WW	3,000
Vermeer Manufacturing Co. (Pella)	AQ	10,000
Gary Walker (Montgomery Co.)	AQ/SW	3,000
Haasco, Ltd. (Dubuque)	AQ	3,000
Site Services, Ltd. (Waterloo)	AQ	5,000
Winsor Oil Co., Inc.; Joyce Winsor (Vinton)	UT	1,500
Bernie Brauns d/b/a Brauns Waste Mgmt. (Muscatine Co.)	AQ/SW	10,000
Becker Gravel Company, Inc. (Stratford)	WW/FP	3,000
Ron Rupe (Polk Co.)	SW	2,000
Richard L. Magdefrau (Washington Co.)	AQ/SW	2,000
Lamoni, City of	WW	1,000
Margaret and Gene Palmersheim d/b/a G & M Service Mart (Greeley)	UT	1,500
Dakota Mobile Home Park (Oxford)	WW	2,550
Waste Mgmt. & Design; Monfort, Inc. (Des Moines)	SW/WW	10,000
#Boomsma Egg Site #1; A.J. DeCoster (Wright Co.)	WW	1,000
Leroy Navratil d/b/a Navratil Excavating (Plymouth)	AQ/SW	600
Richard Sprague (Tripoli)	AQ/SW	5,000

April 1997

Environmental Protection Commission Minutes

Joseph Barragy; Tom Barragy; J & M Woodshavings, Inc. (Cerro Gordo Co.)	AQ/SW	4,000
Marvin Low d/b/a Low's DX (Toledo)	UT	10,000
Carroll, City of	WS	3,000
Todd L. Salow (Washington)	AQ/SW	5,000
Camp Golden Valley (Lockridge)	WW	5,700
Holliman LTD.; Terry Holliman (Hamburg)	SW/WW	10,000
Organic Technologies Corp.; Tim Danley; Ken Renfro (Warren Co.)	SW/WW	10,000
Iowa Tanklines, Inc. (Des Moines/Webster City)	UT	1,000
Ralene Hawkins d/b/a R.J. Express Salvage & Demolition; Clara Lindstadt (Des Moines Co.)	AQ/SW	1,000
#Rod Bice (Boone Co.)	WW	500
Bellevue Golf Club, Inc. (Bellevue)	WS	2,200
Cliff's Place, Inc. (Waverly)	WS	1,500
Craig Burgin (Indianola)	UT	600
Wayne Johnson (Rockford)	AQ/SW	1,000
Sylvan Acres (Janesville)	WS	1,000
Paul Behounek; Todd Behounek (Tama Co.)	AQ/SW	7,100
TOTAL		420,853

The following administrative penalties were paid last month:

<u>NAME/LOCATION</u>	<u>PROGRAM</u>	<u>AMOUNT</u>
*Vernon Kinsinger d/b/a K & K Sanitation (Washington Co.)	AQ/SW	270
#Don Ridenour (Keokuk Co.)	WW	250
*#Gary Watson (Cerro Gordo Co.)	WW	50
Batavia, City of	WS	100
River's Edge Retreat (Mt. Pleasant)	WS	100
Kalona Golf Club, Inc. (Kalona)	WS	750
Jody Beaver (Cedar Co.)	AQ/SW	500
Perry, City of (STIPULATED PENALTY)	WW	2,300
TOTAL		4,320

ATTORNEY GENERAL REFERRALS

April 1, 1997

Name, and Number	Location Region	Program	Alleged Violation	DNR Action	New or Updated Status	Date
Ballard, Randy Fayette Co. (1)		Flood Plain	Construction Without Permit	Order/Penalty	Referred	5/29/96
Beaver, Jody Cedar Co. (6)		Solid Waste Air Quality	Illegal Disposal Open Burning	Order/Penalty	Referred	7/28/95
DeCoster, A.J. Wright Co. Updated	(2)	Wastewater	Prohibited Discharge	Referred to Attorney General	Referred Petition Filed Defendant's Pre-Answer Motions Filed State's Resistance Filed Order Denying Defendant's Motion Defendant's Motion for Separate Trials State's Resistance Filed Defendant's Answer Defendant's Reply to Resistance State's Supplement to Resistance State Brief	7/17/95 1/23/96 3/06/96 3/27/96 4/12/96 4/19/96 4/29/96 5/01/96 5/06/96 5/30/96 5/31/96

Hearing on Motion for Separate Trials	6/03/96
Order Denying Defendant's Motion	6/28/96
Defendant's Motion to Compel	10/03/96
State's Motion to Extend Pleadings	10/15/96
Hearing	10/21/96
Order Denying Defendant's Motion	10/28/96
Order Granting State's Motion	10/28/96
Defendants Motion for Reconsideration	11/06/96
Order Denying Defendant's Motion	11/21/96
State's Motion to Compel	11/27/96
Hearing	12/20/96
Order Granting State's Motion	12/20/96
Trial	1/28/97-
	2/06/97
Closing Arguments	2/11/97
Post Trial Briefs	2/21/97
Ruling (\$59,000/Civil)	3/05/97
Defendant 179(b) Motion	3/28/97

DeCoster, A.J. Nursery Unit #3 Wright Co. (2)	Wastewater	Prohibited Discharge	Referred to Attorney General	Referred Petition Filed Trial Date	8/19/96 11/25/96 9/16/97
DeCoster, Austin J. Sow Unit #1 (2)	Wastewater	Prohibited Discharge	Referred to Attorney General	Referred	1/22/97
Economy Solar Corp. Ft. Madison (6)	Air Quality	Asbestos	Referred to Attorney General	Referred Petition Filed Trial Date Ruling (\$1,600/Civil & Injunction) Notice of Appeal Voluntary Dismissal	3/21/94 8/29/94 11/06/95 11/30/95 1/03/96 4/11/96
Economy Solar Corp./Central Community School DeWitt (6)	Air Quality	Asbestos	Referred to Attorney General	Referred Petition Filed	7/17/95 1/03/97
Economy Solar Corp. Cedar Rapids (1)	Air Quality	Penalty Collection	Order/Penalty	Referred	6/17/96
ESCORP/Cryotech Cedar Rapids (1)	Air Quality	Asbestos	Referred to Attorney General	Referred	7/17/95
ESCORP Associates, Ltd; Arnold Olson Cedar Rapids (1)	Air Quality	Asbestos	Order/Penalty	Referred	9/16/96
Hahn, Oscar Solon (6)	Air Quality Solid Waste	Open Burning Illegal Disposal	Order/Penalty	Referred Petition Filed Default Judgment	12/18/95 4/18/96 11/01/96

Humiston, Fred d/b/a Cedar River Trailer Park Letts (6)	Drinking Water	MCL-Nitrate	Referred to Attorney General	Referred	9/16/96
Huyser, James; Trust Trucking Lovilia (5)	Underground Tank	Site Assessment	Referred to Attorney General	Referred Petition Filed	11/21/94 4/18/96
Lee, Harold and Evelyn Keokuk Co. (6)	Wastewater	Prohibited Discharge	Referred to Attorney General	Referred Petition Filed	10/16/95 5/16/96
Martinez, Vincent d/b/a Martinez Sewer Service Davenport (6)	Hazardous Condition	Remedial Action	Order/Penalty	Referred Petition Filed Partial Default Judgment (Injunction)	2/17/92 12/21/92 10/11/94
McKernan, Brian d/b/a Hickory Grove Mobile Home Park Roland (5)	Wastewater	Discharge Limits; Monitoring & Reporting	Order/Penalty	Referred	1/22/97
Orrie's Supper Club, Inc. Hudson (1)	Drinking Water	Monitoring/Re porting; Lead & Copper	Order/Penalty	Referred	10/16/95
Owens & Owens Realty, Inc. Wilton (6)	Underground Tank	DNR Defendant	Defense	Petition Filed Answer Filed	3/29/96 4/19/96
Papetti's of Iowa Food Products, Inc. Taylor Co. (4)	Wastewater	Prohibited Discharge	Referred to Attorney General	Referred	1/22/97
Postville Pork Postville (1)	Wastewater	Prohibited Discharge	Referred to Attorney General	Referred	5/20/96
Reed, Verna and Don; Andrea Silsby Union Co. (4)	Solid Waste	Illegal Disposal	Order/Penalty	Referred Petition Filed Default Judgment	6/20/94 8/10/94 12/12/94
Relative, Inc.; Doug Smuck Des Moines (5)	Underground Tank	Insurance Violation	Order/Penalty	Referred Petition Filed Order Granting Default Judgment	10/17/94 5/12/95 11/26/96
Underwood, Paul d/b/a Underwood				Referred Motion for Judgment	5/15/95 8/15/96

Excavating and Air Quality Asbestos Order/Penalty
 Demolition
 Cedar Rapids (1)

CONTESTED CASES
April 1, 1997

<u>Date Received</u>	<u>Name of Case</u>	<u>Action Appealed</u>	<u>Program</u>	<u>Assigned To</u>	<u>Status</u>
1-23-86	Oelwein Soil Service	Admin. Order	WW	Murphy	Hearing continued; additional
6-08-89	Shaver Road Investments	Site Registry	HW	Kennedy	Draft consent order under
6-08-89	Hawkeye Rubber Mfg. Co.	Site Registry	HW	Kennedy	Draft consent order under
6-08-89	Lehigh Portland Cement Co.	Site Registry	HW	Murphy	Hearing continued. Discovery
11-03-89	Bridgestone/Firestone, Inc.	Site Registry	HC	Murphy	Hearing continued pending
5-08-90	Texaco Inc./Chemplex Co. Site	Site Registry	HW	-----	Settlement proposed.
5-14-90	Alter Trading Corp. (Council	Admin. Order	SW	Kennedy	EPD considering public
6-20-90	Des Moines, City of	NPDES Permit Cond.	WW	Hansen	EPD met with City to resolve
7-02-90	Keokuk Savings Bank and	Site Registry	HW	-----	Hearing continued.
7-30-90	Key City Coal Gas Site; and	Site Registry	HW	-----	Decision appealed (Pixler).
8-01-90	J.I. Case Company	Site Registry	HW	Preziosi	Hearing continued indefinitely
10-15-90	Westside General Store Corp.	Admin. Order	UT	Wornson	Evaluating inability to pay -
12-03-90	United States Gypsum Co.;	Site Registry	HC	Preziosi	Negotiating before filing.
12-27-90	McAtee Tire Service, Inc.	Admin. Order	SW	Kennedy	Amended order issued 1/11/96.
1-07-91	Joe E. Eggers, Jr.; Joe and	Admin. Order/Penalty	SW	Kennedy	Hearing continued. Clean-up
5-20-91	Great Rivers Coop-Lockridge	Site Registry	HC	Murphy	Settlement proposed.
9-25-91	Archer Daniels Midland	Admin. Order	SW	Kennedy	DNR engineers reviewing
1-17-92	Hickory Hollow Water Co.	Admin. Order/Penalty	WS	Hansen	Settlement offer to WS. Counter
1-30-92	Center Oil Co., Inc.	Admin. Order	HC	Murphy	Negotiating before filing.
4-09-92	Wayne Transports, Inc.	Admin. Order/Penalty	WW	Murphy	Negotiating before filing.
4-15-92	Mulgrew Oil Co.	Admin. Order/Penalty	HC	Wornson	Settlement letter sent 8/31/94.
4-24-92	Charles A. Kerr	Admin. Order/Penalty	UT	Wornson	Financial inability claimed.
5-05-92	Plymouth Cooperative Oil Co.	Admin. Order/Penalty	WW	Murphy	Negotiating before filing.
5-12-92	Paris & Sons, Inc.	Site Registry	HC	Murphy	Negotiating before filing.
5-27-92	Beckett Chevrolet-Olds	Admin. Order	UT	Wornson	Financial inability claimed.
6-23-92	Chickasaw County Board of	Admin. Order/Penalty	SW	Kennedy	County to include closing in FY
8-06-92	Randy Bonin and Vickie	Admin. Order/Penalty	SW	Kennedy	Clean-up progress is slow.
8-24-92	Dean Hoeness d/b/a Hoeness &	Admin. Order/Penalty	UT	Wornson	Financial inability claimed.
9-21-92	ITWC	Admin. Order/Penalty	AQ	Preziosi	Settlement close.
9-22-92	King's Terrace MHP	Admin. Order/Penalty	WW	Hansen	8/94-Letter to facility regarding
11-16-92	Frank Hulshizer	Admin. Order/Penalty	SW	Kennedy	Amended order issued 1/11/96.
12-14-92	Quantum	Permit Conditions	WW	Hansen	3/30/93 Dept. settlement offer
1-22-93	Pirelli Armstrong Tire Co.	Admin. Order/Penalty	SW	Kennedy	F.O. 5 to meet with company
4-05-93	Mapleton, City of	WW Operator Certification	WW	Hansen	Under review by EPD. Appeal

4-12-93	LeMars, City of	Admin. Order/Penalty	WW	Hansen	Construction permit issued.
4-19-93	Council Bluffs, City of	Permit Conditions	WW	Hansen	8/96 - Letter to City in attempt to
4-21-93	Donald Udell	Admin. Order/Penalty	SW	Kennedy	Clean-up completed. Penalty
4-26-93	Crane Co.	Admin. Order/Penalty	SW	Kennedy	Admin. Order withdrawn 3/4/97.
6-21-93	Jacobs Energy Corp., Inc.	Permit Denial	AQ	Preziosi	Hearing continued.
7-06-93	Dennis E. Good	Admin. Order	UT	Wornson	Compliance initiated 12/23/96.
7-09-93	Oakwood Park Water, Inc.	Admin. Order/Penalty	WS	Hansen	Construction permit issued 2/94
7-20-93	Valley Restaurant/Sierp Oil;	Admin. Order	UT	Wornson	Settlement expected. SCR
7-20-93	U.S. Dept. of Defense	Admin. Order/Penalty	UT	Wornson	SCRs on the site and several
11-16-93	Iowa Southern Utilities	Permit Conditions	AQ	Preziosi	Awaiting summary of issues
12-23-93	Waverly Gravel & Ready-Mix	Admin. Order/Penalty	AQ	Preziosi	Negotiating penalty. Settlement
1-27-94	Archer-Daniels-Midland	Permit Conditions	AQ	Preziosi	Negotiating before filing.
2-14-94	Economy Solar Corp.	Admin. Order/Penalty	AQ	Preziosi	Judicial review decision received
2-28-94	Coastal Mart - Davenport	Admin. Order/Penalty	UT	Wornson	Deficient SCR. Letter sent.
3-03-94	Burlington Northern Railroad	Tax Certification	WW	Hansen	3/96 - Letter to company
3-08-94	Country Stores of Carroll, Ltd.;	Admin. Order/Penalty	UT	Wornson	All SCR's received. Proposal for
4-19-94	Galva Union Elevator Co.	Admin. Order/Penalty	UT	Wornson	Negotiating penalty.
5-10-94	Dennis Malone; Joanne Malone	Admin. Order/Penalty	UT	Wornson	Untimely appeal. Compliance
5-27-94	Joseph L. Ranker; Daryl	Admin. Order/Penalty	UT	Wornson	Insurance to qualify for remedial
6-15-94	Lakeview Heights	Permit Conditions	WS	Hansen	Facility proposal under review by
7-07-94	Rose Bar Tire Shredding	Admin. Order	SW	Kennedy	In bankruptcy. 1/96 Working on
7-12-94	Tom Wiseman	Admin. Order/Penalty	UT	Wornson	Appeal untimely. Follow-up
8-12-94	Karl and Thelma Boylan d/b/a	Admin. Order/Penalty	UT	Wornson	Inability to pay. Failed to return
8-29-94	B and B Tire and Oil	Admin. Order/Penalty	UT	Wornson	SCR accepted. Letter sent
9-01-94	Elmer R. Faust d/b/a Faust	Admin. Order/Penalty	UT	Wornson	SCR accepted - negotiating
9-02-94	Crabtree Lake Resort	Admin. Order/Penalty	WW	Hansen	Facility in compliance.
9-06-94	HEW, inc.	Admin. Order/Penalty	AQ	Preziosi	3/1/96 - Amended order to be
9-09-94	American Coals Corp., Site 5	Admin. Order/Penalty	SW/AQ	Kennedy	Bankruptcy filed. Phone
9-15-94	Bankston	Admin. Order/Penalty	WS	Hansen	1/95 - Information from City.
9-16-94	Wunschel Oil Co.; Vernus	Admin. Order/Penalty	UT	Wornson	Consent order. SCR received.
9-26-94	James D. Foust	Admin. Order/Penalty	SW	Kennedy	Settlement offer made 1/23/96.
10-07-94	Titan Wheel International	Admin. Order/Penalty	WW	Hansen	Revised BMR report
10-19-94	Ronald Sizemore; Mark	Admin. Order/Penalty	UT	Wornson	Inability to pay documented.
10-26-94	Boomsma's Inc.	Admin. Order/Penalty	AQ	Preziosi	Negotiating before filing.
10-31-94	Owens & Owens Realty, Inc.;	Admin. Order/Penalty	UT	Wornson	District Court for judicial review.
11-14-94	Tom Babinat d/b/a Tom's Car	Admin. Order/Penalty	UT	Wornson	Inability to pay - request
11-28-94	Richard Beckett	Admin. Order/Penalty	UT	Wornson	Referral to UST Fund. Follow-up
12-14-94	Campbell Clean-Up Service	Permit Denial	AQ	Preziosi	Negotiating before filing.
1-10-95	Steamboat Rock	Admin. Order	WS	Hansen	2/95 - Settlement offer by City
1-11-95	Henry and Randy Krohn d/b/a	Admin. Order/Penalty	AQ/SW	Kennedy	Settlement offer made. FO
1-13-95	James and Roxann Neneman	Admin. Order/Penalty	UT	Wornson	Inability to pay. Forms sent. No
1-13-95	Simonsen Industries, Inc.	Admin. Order/Penalty	WW	Hansen	2/28/95 - Submittal by facility's

Environmental Protection Commission Minutes

April, 1997

2-23-95	Lehigh Portland Cement	Permit Conditions	WW	Hansen	Informal settlement meeting held
2-27-95	Sale-R-Villa Construction	Admin. Order/Penalty	AQ	Preziosi	Settlement meeting held 5/23/96.
3-23-95	American Coals Corp.	Admin. Order	SW	Kennedy	In bankruptcy. Phone
4-13-95	The Weitz Corp.; Barton	Admin. Order	HC	Kennedy	Remediation plan received
5-05-95	C & O Recycling Enterprises;	Permit Denial	AQ	Preziosi	Negotiating before filing.
5-25-95	Marty Feinberg d/b/a Feinberg	Admin. Order/Penalty	HC/WW	Kennedy	Hearing continued. Clean-up
5-25-95	E.I. DuPont DeNemours (95-A-	Permit Conditions	AQ	Preziosi	Awaiting engineering evaluation.
5-30-95	Economy Solar Corp.; Jeffrey	Admin. Order/Penalty	AQ	Preziosi	Order rescinded. Case closed.
5-30-95	Earth Media Technologies	Admin. Order/Penalty	SW	Kennedy	In the process of clean-up.
5-31-95	E.I. DuPont DeNemours (91-A-	Permit Conditions	AQ	Preziosi	Awaiting engineering evaluation.
6-09-95	Don Peterson d/b/a Peterson	Admin. Order/Penalty	AQ	Preziosi	Settled. Awaiting final penalty
6-16-95	Allison Fire Dept.; City of	Admin. Order/Penalty	AQ	Preziosi	Awaiting penalty payment.
6-16-95	Pilot Oil Corporation	Admin. Order/Penalty	WW/UT	Murphy	Site clean-up proceeding.
6-20-95	Toledo, City of	Permit Conditions	WW	Hansen	WW permits to negotiate
6-23-95	Leonard C. Page	Admin. Order/Penalty	SW	Kennedy	Penalty settlement due 7/30/96.
6-29-95	White Oaks Homeowners Assn.	Admin. Order/Penalty	WS	Hansen	Informal meeting held 3/8/96.
7-03-95	Donald J. Foreman d/b/a D & R	Admin. Order/Penalty	WW	Hansen	Negotiating before filing.
7-05-95	Boyer Valley Co.	Admin. Order/Penalty	WW	Hansen	Informal meeting held for 6/7/96.
7-10-95	Donald Krieger	Admin. Order/Penalty	UT	Wornson	Tanks removed. Report due.
7-10-95	Gilbert Persinger	Admin. Order/Penalty	UT	Wornson	SCR received - rejected. Review
7-13-95	Organic Technologies Corp.	Admin. Order	SW	Kennedy	New Admin. Order issued
7-28-95	Harold T. Knott; James C.	Admin. Order	UT	Wornson	Fund eligible. Tier 1 required.
8-01-95	Wilbur McNear d/b/a McNear	Admin. Order/Penalty	UT	Wornson	SCR not received as of 2/29/96.
8-18-95	Holiday Mobile Lodge, Inc.	Admin. Order/Penalty	AQ/SW	Kennedy	Appellant's attorney reply due
8-18-95	Redmond Enterprises, Inc.	Admin. Order	UT	Wornson	Compliance initiated. Selected
8-24-95	Shell Rock Products, Inc.	Admin. Order/Penalty	AQ/SW	Kennedy	Settlement offer due 8/1/96.
9-06-95	Kraft Foods Inc.; Oscar Mayer	Variance Denial	WW	Hansen	Follow-up letter requesting
9-20-95	FKI Industries, Inc.; Fairfield	Admin. Order	WW/HC	Murphy	Negotiating before filing.
10-09-95	E.L. Incorporated	Admin. Order/Penalty	SW	Kennedy	Appellant no longer accepting
10-17-95	Tri-County Bank	Admin. Order/Penalty	AQ	Preziosi	Awaiting penalty payment.
10-17-95	Weber Construction, Inc.	Admin. Order/Penalty	AQ	Preziosi	Hearing set for 4/25/97.
11-03-95	Jack Pinney Operations, Inc.	Admin. Order/Penalty	AQ	Preziosi	Settlement close.
11-14-95	Mike Barker	GW Professional Denial	UT	Wornson	Appeal withdrawn.
12-12-95	Vernon Kinsinger; K & K	Admin. Order/Penalty	AQ/SW	Kennedy	Informal meeting held. Working
12-13-95	Roy Burger	Admin. Order/Penalty	UT	Wornson	Compliance complete -
12-27-95	Ag Processing, Inc.	Permit Denial	AQ	Preziosi	Negotiating before filing.
12-28-95	Site Services, Ltd.	Admin. Order/Penalty	AQ	Preziosi	Negotiating before filing.
12-29-95	Spencer Memorial Hospital	Admin. Order/Penalty	AQ	Preziosi	Negotiating before filing.
1-04-96	Catherine E. Meredith	Admin. Order	UT	Wornson	Current owner to complete SCR.
1-08-96	Westside Park for Mobile	Admin. Order/Penalty	WW	Hansen	Past due monthly monitoring
1-11-96	Climax Molybdenum Company	Admin. Order/Penalty	AQ/HC	Preziosi	Negotiating before filing.
1-12-96	Clarence, City of	Admin. Order/Penalty	WW	Hansen	1/96 - Facility inspected by FO 6.

1-19-96	Bill Shirbroun d/b/a Was	Admin. Order/Penalty	AQ/SW	Kennedy	Negotiating before filing.
1-22-96	Daryl Hollingsworth and Karen	Admin. Order/Penalty	UT	Wornson	Tanks removed.
1-24-96	Jolly Roger Campground	Admin. Order/Penalty	WW	Clark	Negotiating before filing.
1-25-96	Hidden Valley Mobile Home	Admin. Order/Penalty	WW	Clark	Negotiating before filing.
1-25-96	Markley Knock d/b/a Knock's	Admin. Order/Penalty	AQ/SW	Kennedy	Phone conference with attorney
1-30-96	Dean Williams d/b/a Williams	Admin. Order/Penalty	UT	Wornson	Compliance initiated.
2-06-96	Russell Staggs	Admin. Order/Penalty	AQ/SW	Kennedy	Negotiating before filing.
3-04-96	Edward Bodensteiner	Admin. Order/Penalty	UT	Wornson	Hearing held 11/7/96. Brief
3-11-96	Dallas County Care Facility	Admin. Order/Penalty	WW	Hansen	Facility inspected by FO. Now in
3-11-96	Marlin Brenneman	Admin. Order/Penalty	WW	Clark	Negotiating before filing.
3-14-96	Laurel, City of	Admin. Order	WW	Hansen	Information submitted by city
3-14-96	Lamoni, City of	Admin. Order	WW	Hansen	Flow information requested from
3-19-96	Obie's West	Admin. Order	WS	Hansen	Under review by WS section.
3-22-96	Mt. Joy Mobile Home Park	Admin. Order/Penalty	WW	Hansen	3/25/96 Inspection by FO 6.
3-26-96	Louisa-Muscatine Community	Admin. Order/Penalty	WS	Hansen	Negotiating before filing.
4-19-96	C & I Eggs	Admin. Order/Penalty	WW	Clark	Negotiating before filing.
5-07-96	Lakeview Mobile Home Park	Admin. Order/Penalty	WW	Hansen	6/20/96 - informal meeting held.
5-08-96	Vermeer Mfg. Co. (96AQ06)	Admin. Order/Penalty	AQ	Preziosi	Drafting consent order.
5-14-96	Gary Lee Walker	Admin. Order/Penalty	AQ/SW	Kennedy	Negotiating before filing.
5-16-96	Grand Laboratories, Inc.	Permit Denial	WW	Hansen	Negotiating before filing.
5-29-96	Champion Intl. Corp.	Permit Denial	AQ	Preziosi	Negotiating before filing.
5-29-96	Haasco, Ltd.	Admin. Order/Penalty	AQ	Preziosi	Negotiating before filing.
6-07-96	Clow Valve Company	Permit Conditions	AQ	Preziosi	Negotiating before filing.
6-07-96	Koehring Cranes, Inc.	Open Burning Variance	AQ	Preziosi	Negotiating before filing.
6-10-96	DeCoster Farms of Iowa (19	Admin. Order	WW	Clark	Proposed decision 11/25/96.
6-10-96	DeCoster Farms of Iowa (5	Permit Denial	WR	Clark	Proposed decision 11/25/96.
6-17-96	Winsor Oil Co., Inc. ; Joyce	Admin. Order/Penalty	UT	Wornson	Compliance initiated. CADR
6-19-96	Appanoose Co. Sanitary	Permit Modification Denial	SW	Kennedy	Negotiating before filing.
6-25-96	Bernie Brauns d/b/a Brauns	Admin. Order/Penalty	AQ/SW	Kennedy	Negotiating before filing.
7-08-96	Becker Gravel Co., Inc.	Admin. Order/Penalty	WW/FP	Clark	Negotiating before filing.
7/17/96	Richard L. Magdefrau	Admin. Order/Penalty	AQ/SW	Kennedy	Negotiating before filing.
8/01/96	DeCoster Farms of Iowa	Permit Denial	WW	Clark	Proposed decision 11/25/96.
8/01/96	DeCoster Farms of Iowa	Admin. Order/Penalty	WW	Clark	Hearing continued - date to be
8/02/96	Gene Hammen d/b/a Maple	Permit Denial	WW	Clark	Hearing held 9/23/96. Proposed
8/09/96	Gene and Margaret	Admin. Order/Penalty	UT	Wornson	Negotiating before filing.
8/19/96	Capitol Oil Co., Inc. d/b/a	Admin. Order/Penalty	WW	Clark	Negotiating before filing.
8/23/96	Waste Management & Design	Admin. Order/Penalty	WW/SW	Kennedy	Settlement pending.
8/30/96	Howard Victor & Wanda	Admin. Order/Penalty	UT	Wornson	Closed facility. Negotiating
8/30/96	LeRoy E. Navratil	Admin. Order/Penalty	AQ/SW	Kennedy	Negotiating before filing.
9/04/96	Ag Processing, Inc./Sheldon	Permit Denial	AQ	Preziosi	Negotiating before filing.
9/24/96	North Star Steel Iowa	Permit Denial	AQ	Preziosi	Negotiating before filing.
10/11/96	DeCoster Farms of Iowa	Admin. Order	WW	Clark	Hearing continued indefinitely.

10/17/96	DeCoster Farms of Iowa	Permit Revocation	WW	Clark	Hearing continued indefinitely.
10/28/96	Fischer Controls International	Permit Conditions	WW	Hansen	Negotiating before filing.
10/28/96	Holliman Ltd.	Admin. Order/Penalty	SW/WW	Murphy	Negotiating before filing.
11/01/96	Joseph Barragy and Tom	Admin. Order/Penalty	AQ/SW	Kennedy	Negotiating before filing..
11/05/96	Marvin Low d/b/a Low's DX	Admin. Order/Penalty	UT	Wornson	New case. Tanks temporarily
11/07/96	Don Ridenour	Admin. Order/Penalty	WW	Clark	Settled 3/12/97.
11/07/96	Todd L. Salow	Admin. Order/Penalty	AQ/SW	Kennedy	Negotiating before filing.
11/08/96	Caseys General Stores, Inc.	Mean Time to Corrosion	UT	Wornson	Settlement conference held
11/08/96	Carroll, City of	Admin. Order/Penalty	WS	Hansen	Returned to compliance.
11/25/96	Camp Golden Valley	Admin. Order/Penalty	WW	Kennedy	Negotiating before filing.
12/02/96	Organic Technologies Corp.	Permit Denial	SW	Murphy	Hearing set for 5/6&7/97.
12/05/96	Organic Technologies Corp. ---	Admin. Order/Penalty	SW	Murphy	Hearing set for 5/6&7/97.
12/11/96	Ames, City of	Denial of Waiver	WS	Hansen	Hearing held 3/12/97.
1/02/97/	Ruan Leasing Co., aka Ruan	Admin. Order	AQ	Preziosi	Negotiating before filing.
1/20/97	Iowa Tanklines, Inc.	Admin. Order/Penalty	UT	Wornson	Settlement conference held.
1/22/97	Rock Island District Corps of	401 Certification Denial	WQ	Hansen	Hearing set for 4/29 & 30/97.
1/23/97	Rod Bice	Admin. Order/Penalty	WW	Clark	Negotiating before filing.
1/28/97	Ralene Hawkins d/b/a R.J.	Admin. Order/Penalty	SW/AQ	Kennedy	Negotiating before filing.
2/07/97	Craig Burgin	Admin. Order/Penalty	UT	Wornson	Compliance initiated.
2/19/97	Cliff's Place, Inc.	Admin. Order/Penalty	WS	Hansen	Compliance initiated.
2/20/97	Bellevue Golf Club	Admin. Order/Penalty	WS	Kennedy	Negotiating before filing.
2/21/97	Farmland Foods, Inc. (Denison)	Permit Conditions	AQ	Preziosi	Negotiating before filing.
3/04/97	Wayne Johnson	Admin. Order/Penalty	SW/AQ	Kennedy	New case.
3/04/97	Q.C. Metallurgical Laboratory	Lab Cert. Revocation	UT	Wornson	New case.
3/20/97	Sylvan Acres	Admin. Order/Penalty	WS	Hansen	New case. Compliance initiated.
3/28/97	Paul Behounek; Todd	Admin. Order/Penalty	SW/AQ	Kennedy	New case.

Mr. Murphy briefly reviewed the monthly reports for the Commissioners.

Discussion followed regarding the variance for the City of Oxford and various cases on the enforcement report.

Mr. Murphy discussed staff case management noting that most of the older cases involve water supply cases or tanks, and monitoring of lead and copper can take over a year's time, tanks even longer. He related that he has implemented procedures to get the staff attorneys on top of those cases.

Chairperson King requested an update on the DeCoster ruling be given next month.

INFORMATIONAL ONLY

AIR QUALITY PROGRAM STATUS UPDATE

Peter Hamlin, Bureau Chief, Air Quality Bureau, presented the following item.

The Commission will be given an update on various issues relative to the Air Quality Program. These will include updates on staffing, budget, file imaging system, rule development and other programmatic issues.

The Commission will be sent additional information under separate cover prior to the meeting.

Mike Murphy reviewed the Staffing Report from April 1997; the Budget Report; Staff Site Visits; and Air Quality Rulemaking Summary.

Chairperson King asked if there was anything significant with the computer process discussed last month.

Pete Hamlin, Bureau Chief, Air Quality Bureau stated that the bureau is moving forward and should be able to have the imaging system available to the Title V staff by the end of the week. He related that there are some issues to resolve as far as the fire wall goes but there is forward movement. He noted that they want to get the system up and running before moving on to enhancement.

INFORMATIONAL ONLY

OTAG UPDATE

Peter Hamlin, Bureau Chief, Air Quality Bureau, presented the following item.

The Commission will be provided with an update on developments within the Ozone Transport Assessment Group (OTAG), a federally sponsored activity, which could have significant impacts on Iowa.

Mr. Hamlin gave a presentation which was recently given to 37 states regarding ozone transport. He related that Iowa, Nebraska, No. Dakota, So. Dakota and Minnesota made this joint presentation to the OTAG states. He explained what is needed to create ozone and how air moves ozone across the states. He covered the following topics: OTAG's Modeling; Costs of 17 cents per gallon to install controls; the twelve OTAG Select Problem Areas; and Ozone Benefits Comparison. Mr. Hamlin noted that representatives of EPA were at this presentation, and last Thursday EPA sent a letter recommending that Iowa, Minnesota, Dakotas, Nebraska, Kansas, Oklahoma, Arkansas, Louisiana, Texas and Florida not have additional controls placed upon them relative to the ozone problem. Missouri and the New England states immediately began lobbying EPA to have these states, particularly Iowa, drawn in. He related that people in New Hampshire are extremely vocal about the need for all the states to participate, including North Dakota. He noted that there are three more meetings for OTAG and Iowa cannot relax because there are efforts to draw Iowa back in. The reasons for the eastern states objections are: 1) they are at the end of the line for ozone and are victimized by others; 2) they feel that they

have done alot and the rest of the country has not done anything; and 3) political and economic reasons.

Mr. Hamlin stressed that he has been amazed at the level of cooperation that has existed between the department and the regulated public and utilities on this whole issue. He related that it has been a very good, joint cooperative effort with the other four states as well. He added that there has been good political support from Governor Branstad, Representative Ganske, and Senators Grassley and Harkin.

Director Wilson commended Allan Stokes and Pete Hamlin, noting that they have done a very fine job on this issue. He related that they have worked on this issue for at least two years and have worked well with others.

Mr. Hamlin pointed out (in the audience) Cathy Woolums, Mid-America Energy, and noted that she has been to a number of the meetings and has been very helpful throughout the whole process.

INFORMATIONAL ONLY

AIR QUALITY SIP AMENDMENT FOR MUSCATINE

Mike Murphy, Bureau Chief, Compliance and Enforcement Bureau, presented the following item.

The Commission will be asked to approve amendments to State Implementation Plans amending the Muscatine Attainment Plan and adopting the Muscatine Maintenance Plan. The Commission is also be asked to approve a request to the U.S. Environmental Protection Agency for redesignation of the Muscatine area to Attainment.

The amendment to the Muscatine Attainment Plan incorporates changes made to a Consent Agreement and air construction permits for the Monsanto facility, made to further reduce sulfur dioxide (SO₂) emissions.

The Muscatine Maintenance Plan establishes measures to ensure that the Muscatine nonattainment area will continue to maintain National Ambient Air Quality Standards for SO₂ after the area is redesignated as being in attainment with those standards. February 27, 1997, a public hearing was held to receive comments on the proposed plan. Written comments were accepted through March 3, 1997.

The request for redesignation of the Muscatine area is made to U.S. EPA with the requisite one year of verified monitoring data showing attainment with the SO₂ standards. Redesignation of the area to attainment will lift the special nonattainment restrictions imposed on the growth of existing, or introduction of new facilities, emitting SO₂.

Copies of supporting documentation will be forwarded to the Commission under separate cover.

Mr. Murphy explained details of the SIP to amend the Muscatine Attainment Plan.

Motion was made by Charlotte Mohr to approve the Air Quality State Implementation Plan Amendment for Muscatine as presented. Seconded by Kathryn Murphy. Motion carried unanimously.

APPROVED AS PRESENTED

STATE REVOLVING FUND INTENDED USE PLAN - FY 1997

Mike Murphy, Bureau Chief, Compliance and Enforcement Bureau, presented the following item.

An Intended Use Plan for the FY 1997 State Revolving Fund will be recommended for approval. The Environmental Protection Commission was previously provided a proposed Intended Use Plan and authorized a public hearing. The public hearing was held on March 27, 1997. The IUP includes the State Project Priority List which is the list of projects proposed to receive loan assistance in FY 1997. A copy of the hearing notice is included in the IUP (Section IX) as well as a summary of the resulting revisions. EPA requires opportunity for public input on the IUP and Project Priority List. The notice and hearing allowed this input. A final IUP is now presented for Commission adoption following consideration of comments and revisions to the proposed IUP. An application for the FY 1997 capitalization grant will be submitted to EPA in order to get a commitment for federal funds now available.

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(A copy of the Intended Use Plan and accompanying charts are on file in the department's Records Center)

Mr. Murphy briefly explained the Intended Use Plan.

Motion was made by Terrance Townsend to approve the State Revolving Fund Intended Use Plan, FY 97. Seconded by Gary Priebe. Motion carried unanimously.

APPROVED AS PRESENTED

LEGISLATION UPDATE

Larry Wilson, Director, presented the following item.

Director Wilson reported that there has been a lot of discussion in the legislature about the recent Humboldt County District Court Decision regarding large hog confinements.

He also reported on the following bills:

Brownfields Legislation -- working in both branches

Environmental Audit bill -- working in both branches

Ban on Waste Oil Filters from Landfills -- no longer viable

Waste Tires Bill Raising Number of Tires on Hand for Auto Dealers -- passed

Household Hazardous Materials Labeling Amendments -- still a possibility

INFORMATIONAL ONLY

REFERRALS TO THE ATTORNEY GENERAL

Mike Murphy, Bureau Chief, Compliance and Enforcement Bureau, presented the following item.

The Director requests the referral of the following to the Attorney General for appropriate legal action. Litigation reports have been provided to the commissioners and are confidential pursuant to Iowa Code section 22.7(4). The parties have been informed of this action and may appear to discuss this matter. If the Commission needs to discuss strategy with counsel on any matter where the disclosure of matters discussed would be likely to prejudice or disadvantage its position in litigation, the Commission may go into closed session pursuant to Iowa Code section 21.5(1)(c).

- a. Advanced Technologies Corporation (two cases), Cedar Falls - air quality
- b. Stickle Farms, Inc. (Anamosa) - water quality

Advanced Technologies Corporation

Mr. Murphy stated that Advanced Technologies is an asbestos removal contractor and the department has previously issued their company Administrative Orders in 1993 and 1994. In 1994, there was a prior referral to the Attorney General regarding the Logan Intermediate

School situation in Waterloo. He noted that two more incidents warrant referral. The first deals with asbestos removal activities at the Kimball Ridge Care Center in Waterloo, whereby upon inspection of the facility, dry, suspect asbestos containing material was observed in the work area. Mr. Murphy related that five samples were taken and four of them verified that regulated quantities of asbestos were present in a dried form, which is a clear violation of the rules. The second incident deals with the University of Iowa Hospital School, in which case DNR staff did not gather documentation but did receive a complaint from the U of I that Advanced Technologies had conducted an asbestos abatement activity over the evening hours. The next morning U of I workers went into the kitchen, which was a working kitchen for the hospital school, and they noticed a great deal of dust and other debris lying around. Mr. Murphy related that the University called in their safety people to look at the situation and they took a sample which showed asbestos in the material that had been left there. He stated that staff feel both situations warrant referral to the Attorney General, particularly in view of the prior history.

Charlotte Mohr commented that it was real shoddy workmanship on behalf of the company.

Motion was made by Charlotte Mohr for referral of Advanced Technologies to the Attorney General's Office. Seconded by Rita Venner. Motion carried unanimously.

**REFERRED (NOTE: THIS WAS TAKEN UP FOR RECONSIDERATION
LATER IN THE MEETING)**

CONTESTED CASE APPEAL--MAPLE GROVE HOG PRODUCERS, INC.

Mike Murphy, Bureau Chief, Compliance and Enforcement Bureau, presented the following item.

On August 1, 1996, the department denied an application for construction permit for a swine confinement feeding operation, submitted by Maple Grove Hog Producers. That action was appealed. A neighbor, Scott Zavis intervened. The matter proceeded to administrative hearing on September 23, 1996. The Administrative Law Judge issued the Proposed Findings of Fact, Conclusions of Law, and Order on February 10, 1997. The decision affirmed the denial of the permit.

Maple Grove has appealed this order to the Commission. The Proposed Decision, and pertinent documents have been distributed to the Commissioners. The entire record, including hearing tapes and exhibits are available for your review. The parties will be available to argue their respective positions and respond to your questions. You may then affirm the Proposed Decision, or modify or reverse it, substituting your own findings of fact and conclusions of law based on your conclusions from your review of the record and legal argument.

Mr. Murphy stated that this case involves the appeal of an Administrative Law Judge (ALJ) Decision pertaining to the application for a construction permit for a swine confinement operation. He related that the field office did a site survey and noted a mobile home that was too

close to the site, according to the rules on separation distances. He stated that the main issue is whether the mobile home constitutes a residence as defined in the rules. Following documentation received by the department, staff determined it was a residence and denied the permit. Mr. Murphy related that Maple Grove Hog Producers appealed the denial. He added that there are Intervenorers who are the owners of the mobile home. Mr. Murphy said the ALJ upheld the department's position in this matter and it is the Commission's job to determine whether the department's action is appropriate.

Appointment - Eldon McAfee

Eldon McAfee, Attorney representing Maple Grove Pork Producers, stated that he will provide comments and following him Gilbert Gingrich will speak. He reviewed that when ACCO brought rules to the Commission on HF 519 the definition of residence was one of the rules that was developed by ACCO and approved by the Commission. He noted that there has been a separation distance requirement in the Iowa Code for anerobic lagoons and earthen basins for some time. He related that the term residence was not defined in the Code, but the Administrative Rules proposed by ACCO and DNR is where the definition came from. He stated that the definition was drafted to give flexibility to the DNR to consider cases on a case-by-case basis. One concern was that a legitimate residence that happens to fit outside or within a very tight definition could be hurt by a tight definition. He noted that the rules say "permanent and frequent place of habitation" and he feels that is wrong, adding that is where the flexibility comes for the department to approve the permit and deny it being a residence. He stated that when all factors were considered there was no permanent source of water, but instead there was a tank placed next to the trailer, also there was no septic system installed. Mr. McAfee stated that the way the rule was drafted was to give flexibility to the department to consider these factors, and this case epitomizes what this flexibility can be used for. He added that the ALJ found that the trailer was placed there to stop the hog operation, just before the permit was submitted. He noted that paragraph 42, page 10, on the proposed decision he prepared summarizes how he believes the definition should be construed. He related that the question is whether the trailer was being used as a residence at the time the permit application was submitted. Mr. McAfee contends that the trailer is not intended as a permanent, frequent place of habitation. He added that if a residence is not occupied for six months during the past two year period it is presumed not to be a residence, but the DNR contends that only applies to existing residences and not new ones. In conclusion, he stated that there is a constitutional argument raised by the Intervenorers, and noted by the ALJ, that all people have a right to protect their property. He related that the constitutional provision is not applicable to this case because it is not the type of protection of property that the drafters of the Constitution had in mind. He added that it is totally irrelevant in this case because the state can enact legislation and rules to protect the public good.

Charlotte Mohr asked if the mobile home residence was on the tax rolls and whether there was rent being paid on it.

Mr. McAfee stated that he cannot answer the question about the tax rolls but the evidence showed there was a lease and rent was being paid. He noted that Maple Grove disputes that evidence.

Appointment - Gilbert Gingrich

Gilbert Gingrich, Parnell, Iowa, introduced other members and shareholders of the Maple Grove Hog Producers and noted that they are a group of 11 independent pork producers who came together in a cooperative effort to build a central farrowing co-op. He described the planned unit and related that they informed the neighbors of their intentions to be up front in the beginning, and it back-fired on them.

Chairperson King asked if the site could be moved on the land they have and be within the distance allowed for the permit.

Mr. Gingrich stated that they thought this would be the best site and then the portable unit came in on the west side.

Appointment - Mark Newman

Mark Newman, Attorney, stated that he is representing Scott and Ann Zavis, the Intervenors who own and pay taxes on the land where the mobile home was set up. He cautioned the Commission not to confuse Mr. McAfee's proposed decision with the actual decision. He noted that the Intervenors and the department urge the Commission to adopt the 14-page, single-spaced decision as the final decision. He referred to page 5, paragraph 21, regarding a burglary in the mobile home at the end of April, and noted it has not been determined who was attempting to block the construction and placement of the mobile home. He related that it is obvious the tensions between the two groups were high. Mr. Newman related that the ALJ found that this residence was not a trailer to readily move down the road, but had the wheels removed and was jacked up and permanently placed on a cross frame. It was skirted, had a propane tank, electrical hook-up, mail box, and a 911 address. He stated that economic development and protection of the natural resources can exist side by side. Mr. Newman pointed out that there was no evidence presented that any one of the Corporation's numerous shareholders could not place the facility on or about any of their own property. He related that the Intervenor put up the home to protect their property and the environment. He mentioned that the tenant of the mobile home was a former convict who drove an over-the-road truck and was not home a lot. He noted that the law is about protecting people and the focus is not on the quality of the person, but rather that they all have a right to live in a place and be a resident. Mr. Newman noted that the leasee of the crop ground, Lloyd Piklington, had no objections to the placement of the mobile home. He added that Mr. & Mrs. Zavis paid the taxes on that ground throughout the entire time period. He discussed the issue of presumption and noted that the law says "absent evidence to the contrary" the presumption arises, and he stressed that in this case there is evidence to the contrary. In conclusion, he urged the Commission to uphold the ALJ decision, adding that it will not put Maple Grove out of business.

Gary Priebe asked if there is anyone living in the mobile home now.

Mr. Newman stated that the first tenant moved out but there currently is another tenant.

Charlotte Mohr asked how long the mobile home residence has been on the tax rolls.

Mr. Newman replied that he does not know how long it was on but it is currently assessed on the tax roll.

Mr. Murphy reviewed the options the Commission could take, those being to uphold the ALJ decision or make any changes they deem appropriate, based on finding of fact and conclusions of law.

Discussion followed in regard to the Commissioners possibly reviewing the tapes or transcripts of the case. Chairperson King suggested having someone from the AG's Office present at the next meeting. Mr. Murphy noted that the AG's office has to be careful about that because the attorney from their environmental division would handle the case if it goes to court, but someone from another division could possibly come over.

Terrance Townsend commented that there seems to be some question about whether anyone lived there and when they lived there, but considering what the ALJ went through and ruled the way he did, based on that same evidence, he would have a hard time coming up with something different. He agreed that it might be helpful to review the records and have an attorney from the AG's Office at the next meeting to answer questions.

Motion was made by Dean McWilliams to postpone a decision on this item until the May meeting. Seconded by Charlotte Mohr. Motion carried unanimously.

POSTPONED UNTIL MAY MEETING

Consensus of the Commission was that each Commissioner be sent a transcript of the case and that someone from the AG's office be present at next month's meeting.

REFERRALS TO THE ATTORNEY GENERAL (CONTINUED)

Stickle Farms, Inc.

Mr. Murphy stated that this case involves discharges to a stream from an open cattle feedlot. During a period of snow melt, a broken tile line allowed spring water to run through one of the feedlots and caused manure runoff into a stream tributary to the Wapsipicon River. He related that the manure discharge caused a brown plume going to the river which could be visibly observed. Mr. Murphy stated that in view of the history where the same owner has had prior Administrative Orders on another feedlot staff feel referral is appropriate. He noted that

Mr. Stickle has been very good in responding to the situation and has made commitments to getting it cleaned up.

Brief discussion followed.

Appointment - Joe Harris

Joe Harris, representing Don Stickle, reviewed the chronology of the case and noted that the sole violation from 1990 - 1997 occurred in 1996. He explained what occurred in the 1996 event which he related was caused by Mr. Stickle's sons. In January 1997, Mr. Stickle was notified there was run-off from one of his feedlots. He investigated it and the natural spring which had been capped, tiled, and buried had ruptured for some unknown reason. Mr. Harris noted that instead of the spring water being captured by the tile, it was flowing straight through the feedlot. He related that they remedied the problem and have since excavated down a number of feet, capped the spring, and tiled far beyond any of the cattle operations. He mentioned that they also constructed terraces which will catch runoff from the lots and they are inspected weekly. Drain off basins are also monitored regularly. Mr. Harris stated that he does not think Stickle Farms could do anymore than they have done to address the problem and he asked that the issue not be referred.

Brief discussion followed.

Mr. Murphy stated that the department is pleased with the after-the-fact response in this case but the past chronology indicates they should have been well aware of what was required and not have let it deteriorate to this point.

Motion was made by William Ehm for referral of Stickle Farms, Inc. to the Attorney General's Office. Seconded by Kathryn Murphy. Roll call vote was taken and "Aye" vote was cast by Commissioners Venner, Ehm, Murphy, Townsend, and King. "Nay" vote was cast by Commissioners McWilliams, Mohr, and Priebe. Motion carried on a vote of 5-Aye to 3-Nay.

REFERRED

Advanced Technologies (Reconsidered)

Mike Murphy stated that some representatives from Advanced Technologies just arrived and were under the belief that their case was going to be taken up at 1:30 p.m., and he related that he feels they should be able to speak their piece.

Consensus of the Commission was to allow the representatives to speak.

Motion was made by Rita Venner to Reconsider the Referral for Advanced Technologies Corporation. Seconded by Gary Priebe. Motion carried unanimously.

MOTION TO RECONSIDER APPROVED

Mr. Murphy stated that this deals with the Kimball Ridge Care Facility and University of Iowa incidents. He noted that in light of the past history of two Administrative Orders being issued in 1993, and the prior referral of the Logan School matter in Waterloo in 1994, staff position is that these new violations should be referred to the Attorney General. His earlier presentation is reiterated below:

Mr. Murphy stated that Advanced Technologies is an asbestos removal contractor and the department has previously issued their company Administrative Orders in 1993 and 1994. In 1994, there was a prior referral to the Attorney General regarding the Logan Intermediate School situation in Waterloo. He noted that two more incidents warrant referral. The first deals with asbestos removal activities at the Kimball Ridge Care Center in Waterloo, whereby upon inspection of the facility, dry, suspect asbestos containing material was observed in the work area. Mr. Murphy related that five samples were taken and four of them verified that regulated quantities of asbestos were present in a dried form, which is a clear violation of the rules. The second incident deals with the University of Iowa Hospital School, in which case DNR staff did not gather documentation but did receive a complaint from the U of I that Advanced Technologies had conducted an asbestos abatement activity over the evening hours. The next morning U of I workers went into the kitchen, which was a working kitchen for the hospital school, and they noticed a great deal of dust and other debris lying around. Mr. Murphy related that the University called in their safety people to look at the situation and they took a sample which showed asbestos in the material that had been left there. He stated that staff feel both situations warrant referral to the Attorney General, particularly in view of the prior history.

Appointment - Mark Rollinger (Advanced Technologies referral)

Mark Rollinger, Attorney from Cedar Falls, stated that he is present to address two alleged violations by Advanced Technologies. He noted that he does not believe there is sufficient evidence to support referral to the AG, and even assuming there is evidence the amount of asbestos containing material was so negligible it does not seem appropriate to refer the case. He related that when Advanced Technologies arrived on the job at Kimball Ridge Medical Center there was debris everywhere, which was insulation from the pipes in that room. Mr. Rollinger noted that Advanced Technologies work was confined to two hot water holding tanks and some peripheral piping to the tanks, and Advanced Technologies asked the owner if they wanted to change the contract to include cleaning up the debris laying all over the place and they said "no." He stated that after Advanced Technologies finished their work, the area sat vacant for six days except for other mechanical contractors who were working on pipes that had insulation on them. He noted that there is intervening uncertainties about what could have caused this. He circulated photos of the room showing insulation hanging loosely from the pipes and piles of debris, and stressed that the material was not there when Advanced Technologies finished their work there. He expanded on the issue of asbestos containing material in the room and related that the problem is with the six day window following completion of the work, others being in there, and then the inspection taking place after that. Mr. Rollinger explained that the material was not the

type Advanced Technologies was working with, but was the type contained in the ceiling tiles. He expanded on the asbestos contents of the ceiling tiles and the difference between that of pipe insulation. In conclusion, he stated that the nature of the alleged violations do not make them appropriate for referral, and there are very serious questions about whether there can ever be any showing that the material was asbestos, and that it was material that Advanced Technologies was charged with removing as part of its scope of operations.

Mike Llewellyn, Advanced Technologies, discussed NESHAPS regulations and explained that a U of I hygienist, in their investigation, used a vacuum type cassette and claimed they found a clump of asbestos containing material. He added that under a microscope the clump is not any bigger than a pin head. He expanded on regulated materials and the percentage of asbestos found in the material, adding that there was a difference in one report showing 2% and others showing 5%. Anything over 1% is considered to be a regulated material. He added that the inspection was a visual one and there was no analytical method to determine the percentage. Mr. Llewellyn stated that the ceiling tiles were 5% amosite asbestos, and what Advanced Technologies removed was chrysotile asbestos off pipe insulation. Mr. Llewellyn noted that in another case two years ago, the U of I took an entire room of ceiling tile down and put it in a pile. As a result of a complaint DNR, EPA, and OSHA were called because it was 5% amosite. He related that to his knowledge they got a slap on the wrist and it was not referred to the AG.

Terrance Townsend asked if Advanced Technologies removed the ceiling tiles on the U of I job.

Mr. Llewellyn stated that Advanced Technologies removed the ceiling tiles to access the piping, but the mechanical contractors working in the area put them back in.

Kathryn Murphy asked what specific remedial action was conducted by Advanced Technologies at U of I in the two weeks the kitchen was closed.

Mr. Llewellyn stated that they sealed off the area, cleaned the grate with a vacuum process, and wet-wiped all of the surfaces. He related that they did some sampling and monitoring and spent \$15,000 in extra labor for something they didn't even remove, the ceiling tile.

Mr. Murphy noted that the University of Iowa was fined by EPA in a case within the last several years. He added that there is no unequal treatment as far as enforcement. He stated that Advanced Technologies had to undo the ceiling and then put it back, and DNR staff is relying on the U of I staff contention that there was a mess left there. He related that there are plenty of facts for the Attorney General's Office to look at, and it should be referred.

Mr. Murphy stated that in respect to the Kimball Ridge case those issues should be sorted out by the Attorney General. He noted that when the Notice of Violation was issued none of these areas of dispute were brought out. He added that an alternative would be to table it and let them come in and meet with the department's technical staff, and if it still needs to be referred it can be brought back at a later date.

Gary Priebe stated that he has some doubts now and would like to see them meet with DNR staff and someone from the AG's office.

Motion was made by Gary Priebe to defer the Advanced Technologies Corporation referral for 60 days to allow staff to try to work the matter out with them. Seconded by Rita Venner. Motion carried unanimously.

REFERRAL DEFERRED FOR 60 DAYS

GENERAL DISCUSSION

William Ehm asked when the ACCO recommendations will be coming to the Commission.

Director Wilson stated that he does not know when the recommendations will be ready. In regard to the Maple Grove Pork Producers he reported that they also applied for a permit under the name of Timberland, down in Keokuk County.

Director Wilson gave an update on the spill in Wright County noting that DeCoster Farms had over applied manure in a field one mile South and one mile West of Junction 3 & 69. There was apparent contamination of an ag drainage well and ditch pond water. He expanded on details of the spill and investigation.

Terrance Townsend mentioned a letter from CCI and one from UT Tires.

Director Wilson stated that in regard to the letter from UT Tires, staff are working up an enforcement order on Don Grell.

NEXT MEETING DATES

May 19, 1997

June 16, 1997

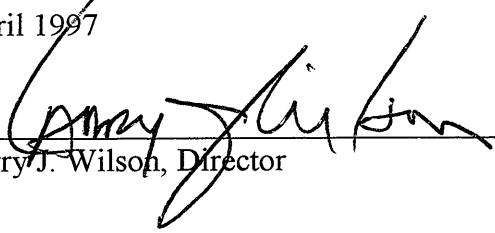
July 21, 1997

ADJOURNMENT

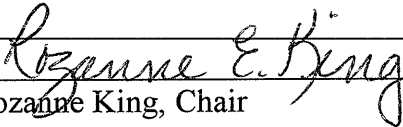
With no further business to come before the Environmental Protection Commission, Chairperson King adjourned the meeting at 2:25 p.m., Monday, April 21, 1997.

April 1997


Environmental Protection Commission Minutes



Larry J. Wilson, Director



Rozanne King, Chair



Charlotte Mohr, Secretary

INDEX

A

Adjournment, 49

Adoption of Agenda, 1

Advanced Technologies (Reconsidered)

Referrals to the Attorney General, 46

Advanced Technologies Corporation

Referrals to the Attorney General, 41

Air Quality

Program Status Update, 37

SIP Amendment for Muscatine, 39

Appointment

Gingrich, Gilbert (Maple Grove Hog Producers contested case), 44

Harris, Joe (Stickle Farms referral), 46

McAfee, Eldon (Maple Grove Hog Producers contested case), 43

Newman, Mark (Maple Grove Hog Producers contested case), 44

Rollinger, Mark (Advanced Technologies referral), 47

Approval of Minutes, 1

C

Call to Order, 1

Commissioners Absent, 1

Commissioners Present, 1

Contested Case Decision

Appeal

Maple Grove Hog Producers, Inc., 42

Contracts

Landfill	Alternatives	Financial
Assistance	Program	Composting
Initiatives, 6		

D

Director's Report, 1

F

Final Rule

Chapter 216, Regents Tire Derived Fuel Program, 12

Chapter 217, Waste Tire Processor Incentives Program, 17

Financial Status Report, 2

G

General Discussion, 49

Gingrich, Gilbert - Appointment (Maple Grove Hog Producers contested case), 44

H

Harris, Joe - Appointment (Stickle Farms referral), 46

I

Intended Use Plan

State Revolving Fund
FY 1997, 40**L**

Landfill Alternatives Financial Assistance Program

Composting Initiatives Contracts, 6
Preliminary Survey Report, 9

Legislation

Update, 41

MMaple Grove Hog Producers, Inc.
Contested Case Decision
Appeal, 42

McAfee, Eldon - Appointment (Maple Grove Hog Producers contested case), 43

Monthly Reports, 23

Muscatine

Air Quality SIP Amendment, 39

N

Newman, Mark - Appointment (Maple Grove Hog Producers contested case), 44

O

OTAG Update, 38

P

Proposed Rule

Chapter 218, Waste Tire Stockpile
Abatement Program, 21

R

Referrals to the Attorney General

Advanced Technologies (Reconsidered),
46

Referrals to the Attorney General

Advanced Technologies Corporation, 41
Stickle Farms, Inc., 45

Referrals to the Attorney General

(Continued), 45

Regents Tire Derived Fuel Program--

Chapter 216
Final Rule, 12

Rollinger, Mark - Appointment (Advanced
Technologies referral), 47

S

State Revolving Fund

Intended Use Plan
FY 1997, 40

Stickle Farms, Inc.

Referrals to the Attorney General, 45

W

Waste Tire Processor Incentives Program--

Chapter 217
Final Rule, 17

Waste Tire Stockpile Abatement Program--

Chapter 218
Proposed Rule, 21